

REGISTRATION FILE 72007-1 Vol. 1

Title

Supplemental Data on Spray Pattern Testing for BearGuard™ Bear Deterrent

Data Requirements

Not applicable

Author

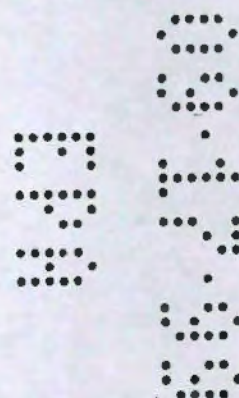
Karl Scholz
Guardian Personal Security Products
21639 North 14th Avenue
Phoenix, AZ 85027

Date Completed

September 15, 1999

Sponsored/Submitted by

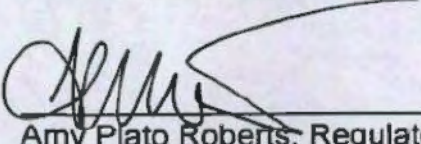
Guardian Personal Security Products
21639 North 14th Avenue
Phoenix, AZ 85027



STATEMENT OF NO DATA CONFIDENTIALITY CLAIMS

No information is claimed confidential on the basis of its falling within the scope of FIFRA §10(d)(1)(A), (B) or (C).

Company: Guardian Personal Security Products
21639 North 14th Avenue
Phoenix, AZ 85027

Company Agent: 
Amy Plato Roberts, Regulatory Agent
Technology Sciences Group, Inc.

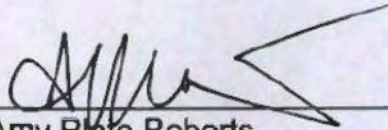
Date: 9/15/95

GOOD LABORATORY PRACTICES STATEMENT

This study does not meet the requirements of 40 CFR Part 160, and differs in the following ways:

1. The information provided was not conducted according to 40 CFR Part 160. No study director was assigned.

**Sponsor /
Submitter:**



Amy Plato Roberts
Regulatory Agent

Date:

9/15/99

7-7-99

Spray Pattern Test Protocol

Objective:

To identify the following spray pattern characteristics for Guardian's 180g 2% capsaicinoid Bear repellent: Range, Height of pattern, width of pattern, duration of spray in an outdoor environment. To be recorded on video.

Record Environmental Conditions:

Wind speed: Use Kestrel anemometer. To be recorded on video.

Record Temperature: Use thermometer. To be recorded on video.

Spray Pattern Testing: Operator will not shake cans unduly before spraying for results.

Record Spray diameter at six different distances (5, 10, 15, 20, 25, 30 feet): Spray large sheet of white paper at differing ranges and measure the spray pattern residue on the paper vertically and horizontally. To be recorded on video.

Record Maximum Effective Range: Large test target at white paper at 35 feet to record Maximum Range. To be recorded on video.

Record spray duration: Operator will hold a stopwatch in one hand and a can in the other. Operator will press the button on the stopwatch and the aerosol actuator at the same time. Operator will spray continuously until can ceases to deliver a useable pattern. To be recorded on video.

Operator will write report on observations and supply video for supporting evidence.

FAUSERS\KARL\WPDATA\WPDATA\PROTO

Test Condition page

Record Environmental Conditions:

Temperature and Wind speed: Using Kestrel anemometer for wind speed in mph, direction in clock degrees (FROM source so wind blowing straight from the operator to the target would be recorded as 6:00)

	Temp	mph	direction
1st Spray (for pattern at 5 feet)	96	1.5	6:00
1st Spray (for pattern at 10 feet)	94	1.2	6:00
1st Spray (for pattern at 15 feet)	94	1.5	6:00
1st Spray (for pattern at 20 feet)	95	1.5	6:00
<i>Repeated</i>		<i>Said 1.3</i>	<i>- The Repeat</i>
1st Spray (for pattern at 25 feet)	95	0.5	5:00
1st Spray (for pattern at 30 feet)	99	0	—
1st Spray (for pattern at 32 feet)	101	0	—
		<i>Lost view of Anemometer</i>	<i>Said 2.5</i>

F:\USERS\KARL\WPDATA\WPDATA\PROTO

Record Spray diameter at six different distances (5, 10, 15, 20, 25, 30 feet): Spray large sheet of white paper at differing ranges and measure the spray pattern residue on the paper vertically and horizontally. This test will also show maximum spray range.

1/18/99 180g - Bear Guard, UDAI, Paper Power
height width avg dia.

Spray pattern at 5 feet

32, 36, 34

Spray pattern at 10 feet

43, 41, 42

Spray pattern at 15 feet

66, 66, 66
said 70" wide
then said 71" wide

Spray pattern at 20 feet

66, 71, 68.5

Spray pattern at 25 feet

90, 77, 81.5 measured
at an angle

Spray pattern at 30 feet

84, 96, 90

Spray pattern at 35 feet

84, 96, 90 → didn't
really
measure at 35'

FAUSERS\KARL\WPDATA\WPDATA\PROTO

Record spray duration: In seconds. Operator will hold a stopwatch in one hand and a can in the other. Operator will press the button on the stopwatch and the aerosol actuator at the same time. Operator will spray continuously until can ceases to deliver a useable pattern. To be recorded on video.

Can size in grams	1st test in seconds	2nd test in seconds	3rd test in seconds
180 gram size	3.50	3.03	N/A
225 gram size	N/A		
260 gram size	N/A		

of trials = 2
G Tester
got a lot of
personal
spray exposure

FAUSERS\KARL\WPDATA\WPDATA\PROTO



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

April 7, 2003

350
38 5625508

Counter Assault®
120 Industrial Court
Kalispell, MT 59901

Attention: Mr. Pride Johnson

Subject UDAP Pepper Power
EPA Distributor Registration No. 71920-1-72007
Your submission of November 12, 2002
Request to Review UDAP's Packaging Insert Card and Clamshell

Purpose The purpose of your submission is to send us labeling for the above registration (packaging insert card and clamshell) for our review, highlighting seven questionable texts for special consideration.

Nature of request You suggested that UDAP had used similar language for its packaging for several years and, therefore, assumed that EPA had approved it. You stated that, if EPA had not stop saled the product by the end of January 2003, you would assume that it would be acceptable for your company to make similar claims for its bear deterrent (Counter Assault, EPA Reg. No. 55541-2).

Response to submission We appreciate your bringing the subject labeling to our attention. The "UDAP Pepper Power" labeling that you sent to us on November 12, 2002, included some claims that had not been accepted for the product in question and inappropriately referred to a web site. Such references to the website make certain portions of the site subject to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and in its attendant regulations. All of this material has been duly considered, and corrective actions have been undertaken.

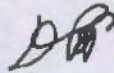
We reiterate that the presence of seemingly violative text on a pesticide label in the marketplace does not mean that the Agency has accepted such text or that other companies may emulate such text without EPA approval.

In the future, if you have questions about labeling claims, please feel free to contact us at any time.

Questions

If you have questions about this letter, please contact me at 703-305-5407 (by phone), 703-305-6596 (by fax), or peacock.dan@epa.gov (by E-Mail).

Sincerely yours,



Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

**Letter
location**

Disk 98:A:\Capsaicin\Letter to Pride Johnson about PepperPower labeling,
4-7-2003.wpd, April 7, 2003

IRB BRANCH REVIEW - TSS

Record Number(s)

D287007
D289071

11/25/02
3/24/03 3/25/03
IN _____ OUT _____
EFFICACY

FILE OR REG. NO. 72007-1
PETITION OR EXP. PERMIT NO. _____
DATE DIV. RECEIVED 11/18/02, 3//24/03
DATE OF SUBMISSION 11/12/02, 3/21/03
DATE SUBMISSION ACCEPTED 11/25/02, 3/24/03
TYPE PRODUCT(S): I, D, H, F, N, R, X, S
DATA ACCESSION NO(S) no new efficacy data
PRODUCT REG. NO. 04
PRODUCT NAME(S) BEARGUARD (aka UDAP PEPPER POWER)
COMPANY NAME Universal Defense Alternative Products
SUBMISSION PURPOSE misbranding/enforcement issues
CHEMICAL & FORMULATION 2.0% Capsaicin and related capsaicinoids aerosol

Efficacy Review: BEARGUARD™, 71920-R
Universal Defense Alternative Products (UDAP)
Bozeman, MT 59718

200.0 INTRODUCTION

ITEMS OF A PROPRIETARY NATURE MAY BE DISCUSSED IN THIS REVIEW.
EXAMINE IT CAREFULLY FOR SUCH INFORMATION BEFORE CIRCULATING IT
TO ANYONE OTHER THAN EPA EMPLOYEES WITH APPROPRIATE CLEARANCES.

200.1 Uses

2.0% "Capsaicin and related capsaicinoids*" aerosol product Federally registered "to
deter bears which are attacking or appear likely to attack humans".

200.2 Background Information

See efficacy reviews of 1/25/99, 3/9/99, 3/16/99, 12/27/99, and 9/5/00. This product was registered on 3/18/99 to Guardian Products of Phoenix, AZ. No revised labels or label components have been accepted subsequently, despite considerable evidence and many discussions of unaccepted and unacceptable supplemental labeling used by UDAP when it sold the product under a distributor number (71920-1-72007). The registration for this product was formally transferred to UDAP on 3/6/03. UDAP may soon apply to change the basic name of this product, unless it would prefer to retain the option to call it "BEARGUARD". If so, "UDAP PEPPER POWER™ BEAR DETERRENT" would have to be cleared as an alternate brand name for 72007-1.

See also 1/24/00, 3/30/00, and 9/14/00 reviews of inquiries (data package D261874, CORR.# 292749, and CORR.# 293305) respectively) regarding promotional statements being made for UDAP Pepper Power, which was a subregistration ("distributor product") of 71920-1 when those reviews were conducted. In those reviews, I found highly objectionable certain promotional statements that appeared on various elements of UDAP's labeling, some of which were never submitted for 71920-1.

See also the memorandum of 2/12/03 from Daniel Peacock of IRB to Timothy Osag of EPA Region 8 in Denver, CO, regarding labeling recently used for 71920-1-72007. That memorandum evidently was precipitated by the collection of additional labeling that is not considered in this review but which has led to further enforcement actions.

This review discusses the letter of 11/12/02 from Pride Johnson, President of the Counter Assault company, Kalispel, MT, which markets the COUNTER ASSAULT bear pepper spray, EPA Reg. No. 55541-2. With his letter, Johnson enclosed the "packaging insert card and clamshell" for UDAP's Pepper Power Bear Deterrent (as 71920-1-72007). In his letter, Johnson indicates the text and features of the clamshell and insert card which he finds to be objectionable and/or which remind him of items to which EPA objected with respect to 55541-2. Actually, there are two inserts to the clamshell.

One of these (the "center insert") goes around the product canister and has text printed on both broad sides. The other, called the "bottom insert" or "footer", appears at the bottom of the clamshell. The footer has text printed on one side only. As the footer is bent through its middle (like a panelist's name card), some of what is printed on it can be viewed from the front of the clamshell and the rest can be viewed from the back.

This review also discusses a letter of approximately 3/21/03 from Mark Matheny of UDAP to Brad Jones of the Montana Department of Agriculture (MDA) in Helena concerning "February 24, 2003 Inspection No. 5715". Copies of that letter were included in a FAX transmission and an "overnight" package sent to Peacock. Evidently, MDA conducted an inspection of UDAP's facility on 2/24/03, probably with Region 8 providing the impetus. Matheny's letter came to my attention as I was completing review of Johnson's letter of 11/12/03. The package in which a paper copy of Matheny's letter came to IRB also contained 4 clamshell packages of UDAP PEPPER POWER (hopefully containing dummy canisters). All of these canisters are numbered "71920-1-72007".

Products claimed to protect people from attacks by relatively large animals (e.g., bears, dogs) must be registered as pesticides. Although such a registration requirement has been in place for nearly 40 years, manufacturers sold unregistered bear pepper sprays for more than a decade before a product of this type, 55541-2, was registered in May of 1998. Prior to that time, bear pepper sprays were being sold with some knowledge and even some official winking by government agencies, most notably the Park Service (which equipped its personnel with unregistered products) and EPA (which, bowing to political interference, blunted a 1993 enforcement action initiated by an agency of Alaska's State government). UDAP had a "PEPPER POWER" product on the market during the period of illegal sales of bear pepper sprays.

Since May of 1998, EPA has taken a number of enforcement and other regulatory actions which have resulted in 5 Federal Registrations for bear pepper sprays (one of which now is subject to a stop-sale order) and some improvements in labeling. One problem common to these products has been the use of unreviewed elements of labeling in addition to the accepted container label in various commercial presentations of the products. Another common problem has been the making of false and misleading statements on such unreviewed labeling and in other promotional materials (including store displays which, by accompanying pesticide products in commerce, also qualify as labeling). These issues have been raised regarding all 4 of the bear pepper spray products (55541-2, 71545-1, 71768-1, and 71920-1) that were registered by or before early Spring of 1999. (The labeling for 71768-1 turned out to be inaccurate even with respect to the name of the active ingredient contained in the product. A competitor turned them in. EPA took enforcement action and was able to get that product's registration canceled.)

There are a number of existing prohibitions -- (FIFRA, §2(q)(1)(A), §12(a)(1)(E); 40 CFR, §156.10(a)(5) -- against making "False or misleading statements" on labeling. The

statements and graphics found to be objectionable in past reviews of products of this type generally have fallen into the categories listed below.

1. "A false or misleading statement concerning the composition of the product" [40 CFR, §156.10(a)(5)(i)];
2. "A false or misleading statement concerning the effectiveness of the product as a pesticide or device" [40 CFR, §156.10(a)(5)(ii)];
3. "A false or misleading comparison with other pesticides or devices" [40 CFR, §156.10(a)(5)(iv)];
4. "Any statement directly or indirectly implying that the pesticide or device is recommended or endorsed by any agency of the Federal Government" [40 CFR, §156.10(a)(5)(v)]; and
5. "A true statement used in such a way as to give a false or misleading impression to the purchaser" [40 CFR, §156.10(a)(5)(vii)].

201.0 DATA SUMMARY

Johnson's comments about the labeling for 71920-1-72007 are enumerated in his letter of 11/12/02. Below, I quote and discuss his comments according to the numbers he gave them.

1. "Wisdom is Better than Strength" Ecc 9:16 ---- This is a quote from the bible [sic], possibly indicating that God may be on the side of the user or persuading Christians to purchase this product over competitors.

I feel that references to God should be kept out of the great bear pepper spray wars. As the quote is from the Old Testament, its alleged influence might reach beyond Christians.

I see a minor "competitors" angle to this claim. However, it mainly appears to be intended to mean that it is smarter to repel the bear than to attempt to fight it off, or maybe to shoot it or even to run away from it. If such a thought were expressed without quoting the Bible and were qualified so as not to be an absolute statement (i.e., allowing that strength might be better at times), I would think that it could be put on pesticide labeling. Including all of the appropriate qualifiers might make for cumbersome advertising.

2. "'As seen on the Discovery Channel!' ---- Possibly persuading consumers that this product is somehow superior because it was televised."

"Possibly", but this one does not bother me very much. We have allowed Good Housekeeping seals to appear on labels for other products. The "Discovery Channel!" reference would seem to be in that same vein. I suppose that one could argue that the reference to the "Discovery Channel" might put the particular bear spray episode within the context of "labeling", but I think that would be stretching things a bit.

3. "The picture of a mauled person and the statement 'a grizzly bear attack survivor' - --- This is basically a testimonial and it implies that his product is superior because he was attacked. The picture and the statement insinuate that his product saved his life, when it was actually Counter Assault that was used to save this person's life."

The person pictured is Matheny, who has said that the experience of the 1992 attack led to his getting into the bear pepper spray business. At its extremes, that could mean that Matheny was so grateful to be alive that he wanted to spread the Gospel of bear pepper sprays to all of humanity or that he was so upset with the performance of the product (Counter Assault, according to Johnson) that his friend used to save him that Matheny wanted to market a better one. Judging from the content of UDAP's web site (see below), the first of the listed extremes may be closer to the truth. In the past, I have been more tolerant of the picture than of many of the words that were printed near to it.

4. Web site (2 locations) ---- You have told us we cannot list our web site or even our e:mail address on any point of purchase packaging.

I recall having indicated that the Counter Assault web site could not be listed on the label. That is because any document (presumably including electronic documents) to which a pesticide label refers becomes additional labeling (except for certain categories of official publications which would not apply to 72007-1 and did not apply in the specific case of 55541-2). On each occasion that I visited it, the web site for Counter Assault included false or misleading statements.

On 3/20/03, I visited the web site www.udap.com. Although there were systemic problems with the search, I did managed to get into the home page and to use the "Bear Sprays" hot button to avail. Those items were replete with false or misleading statements of the sort forbidden in 40 CFR, §156.10(a)(5), including false or misleading comparisons with other products. Some examples are shown below.

All pepper sprays are not created equal, some have experience! UDAP Pepper Power is manufactured to ISO standards! The highest quality of standards.

[home page]

The Pepper Power Fogger is the most efficient way to dispense large amounts of OC on to a subject in the shortest period of time. The fogger's enhanced range, broad spray pattern and inhalable particle size make it the most effective aerosol tool available to Stop an [sic] bear attack.

["Bear Sprays"]

No Bear Spray Hotter!

["Bear Sprays"]

UDAP might argue that by having the highest claimed concentration of Capsaicin and related capsaicinoids of any registered bear pepper spray and by having a data-supported 30' spray distance, BEARGUARD (aka "PEPPER POWER") truly meets some of the foregoing claims. However, "hotter" seems to imply "better"; and there simply is not enough relevant comparative research information on bear pepper sprays within the capsaicinoid range that is claimed for registered bear pepper sprays to support such an inference.

The home page includes an account of Matheny's ordeal with a grizzly bear. The incident reportedly occurred on 9/25/92. Recalling some of the discussions above, it is interesting to note that the home page quotes Matheny as saying,

"Thanks to God, a friend, and pepper spray, I am still here."

Clearly, UDAP's web site contains false or misleading information. Therefore, references to it should be deleted from the labeling for 72007-1.

The clamshell center insert and the footer both refer to the web site. The references on the center insert directs readers to it if they are seeking "*Safety Tips*". In the context of bear pepper sprays, such references relate to how one should behave when in bear country and how pepper sprays play a role in personal protection. That is good information for people to have, but it should not be interwoven with false or misleading claims and other dubious statements. We require some information of that sort to appear on labels of bear pepper sprays, but the text is largely limited to when and how the spray should be used.

5. "'Self-Defense Use only' ---- Confuses the consumer that this product may be used on people and may be used as a personal defense spray.

The pepper-spray products that people carry to ward off attacks from other people are commonly called "self-defense" products. Therefore, there is some danger that people would also buy this product for use against other humans. EPA does not regulate such "self-defense" products and has not allowed anti-mugger or other anti-human claims to

appear on labels of pesticide products registered to deter attacks by animals (e.g., dogs and bears). There is some potential for voluntary, offensive use of bear pepper sprays (or "self-defense" sprays, for that matter) in the commission of crimes. We must walk a fine line in labeling bear deterrents so as not to encourage such misuse.

The intended meaning of using "Self-Defense Use only" within the context of its bear pepper spray might be that humans should not seek encounters with bears or approach them aggressively just because they are armed with PEPPER POWER. If so, it would be possible to draft an appropriate admonishment. In fact, words to that effect already appear prominently on the accepted canister label ("**DO NOT SEEK OUT ENCOUNTERS WITH BEARS ...**") and are readily visible through the plastic clamshell.

6. "When the can is in the clamshell, both sides of labels are not clearly readable to the customer. It is fuzzy and distorted.

As Johnson did not send in a can of PEPPER POWER along with his letter of 11/12/03, I could not assess the validity of his assertion directly until the box of packaged containers, plus Matheny's letter to Jones, came to my attention on 3/24/03. The front panel of the canister is clearly legible through transparent clamshells of the types submitted, but the other two label panels are partially obscured because they fall behind places where the two sides of the clamshell come together. In the packages which come with a "Chest Holster", one of the side panels is further obscured by the presence of the holster in a compartment of the clamshell which lies to the right of the compartment which holds the canister (when its front label panel is facing the viewer).

PEPPER POWER is not the only bear pepper spray product that is sold in clamshell packaging. I believe that I have commented upon the issue of consequent partial obscuring of label text with respect to other products.

With respect to this product, the problem of obscured text could be remedied by repeating all of the most important required label text on the clamshell inserts, by adopting a two-panel label with text that is more readily read through the plastic clamshell, or by putting all label text that is required to be displayed on the front panel. While we have Matheny's attention on the enforcement matter, we should try to fix this alleged problem. As fixing it could require reformatting canister labels or creating new insert labels, I do not think that it could be accomplished until relevant amendments were accepted or at least until a "next printing", which also might be the first printing of labels with UDAP identified as the registrant. Therefore, we may find it prudent to tolerate the current arrangement on an interim basis.

(In stores, I have seen household pesticide products which have little of the required label text visible as the product is offered for sale. The visible portions of labels for such products often refer to attached bulletins -- which most shoppers probably would not

open prior to making a decision regarding purchase -- and bear a great deal of graphic material, promotional claims, and other statements that are not required. That such labels appear in the marketplace probably could be traced to the effects of imaginative marketing departments plus PR Notice 82-2 -- under which EPA does not review or pass judgment on final printed labeling -- and other "benign neglect" policies such as "Notifications" and "Non-notifications".)

7. "'UDAP Industries concerned with Your Safety, and the preservation of Wildlife' -- -- We are all concerned with safety and wildlife. If he [Matheny] is so concerned, he should do what we do, donate a percentage of the proceeds to a non-profit conservation group."

Except for paying required fees to EPA, I do not feel that it should be EPA's policy to tell registrants, distributors, or anyone else what to do with their money. As for the statement about "Your Safety, and the preservation of Wildlife", I feel that it is self-serving but also that it implies the reasons for carrying bear pepper spray -- to save yourself and the bear. On balance, I feel that the statement should be dropped.

After listing the statements to which he objects, Johnson adds the paragraph quoted immediately below.

UDAP has used similar text for his [sic] packaging for several years and I assumed that this insert card was EPA registered. Everyone in this business knows that this type of information is unallowable on any point-of-purchase packaging and that all such packaging requires EPA approval. We, therefore, have complied with these regulations. We can only assume that if UDAP Pepper Power, packaged as it is now, is not placed under stop-sale status by the end of January of 2003, it is acceptable for us to make similar statements on our packaging.

From past correspondence, it is clear that Johnson knows that he should "assume" nothing of the kind and that if he were to carry out his threat he would place COUNTER ASSAULT in jeopardy of a stop-sale action with absolutely no hope of successfully pleading ignorance.

However, it appears that the arrival of Johnson's letter of 11/12/03 and/or other communications did elicit enforcement action against UDAP with respect to 71920-1-72007.

The text elements on the clamshell insert to which Johnson does not object are quoted or described below.

1. "Do NOT store in Hot vehicle or in direct sunlight)".

2. **"Read Carefully the entire label upon purchase".**
3. **"Be Prepared!"** [twice]
4. **"With Glow in the Dark Safety Clip!"**
5. **"BEAR IN MIND THE INFORMATION."**
6. *"Safety Clip - to prevent loss, the safety clip is attached to the handle. Please leave attached".*
7. The product name "pepper power" [twice]
8. "Holster Included"
9. "UDAP" with profile of whole bear [twice]
11. "#12HP Bear Spray with Holster"
12. UDAP's company name address and "800" number
13. *"Range up to 30 feet (9 meters)"*
14. **"Bear Deterrent pepper spray".**

I do not take issue with such text, either. The spray- distance claim is supported by data that Guardian generated and videotaped, submitting both a report and the tape for our review. As used in the context of this product "Safety Clip" is not a safety claim for the product so much as an indication that a contrivance attached to the container is there to prevent accidental firing, as with the "safety" on a firearm. I have verified that the clip glows in the dark, at least it does so shortly after it has been exposed to light.

The packages that came to me on 3/24/03 along with Matheny's letter completely lack center inserts that surround the product canister or the canister plus holster. Those packages do have footers in them.

According to Matheny's letter, UDAP stopped selling "all product" (meaning 71920-1-72007, in context) "effective 03/21/03." Matheny also expresses a desire to get the product back on the market and proposes to delete the "center insert" and to "label over my (post-attack) image on the bottom insert". While contending that "statements and graphics on our center insert" are consistent with "claims approved by EPA on the base label", Matheny states that UDAP will not include such claims in the packaging of the product "until EPA has improved in writing amendments to the primary registration", which UDAP now owns as 72007-1.

As I complete this review, I have not seen proposed amendments to the label for this product.

In addition to what Matheny proposed to "label over" on the footer, he also must cover or remove the reference to UDAP's web site.

202.0 CONCLUSIONS

To UDAP

In a letter sent on or about March 21, 2003 to Brad Jones of the Montana Department of Agriculture, you proposed to return this product to the market under its old distributor number ("71920-1-72007") with the current container labeling plus the bottom inserts ("footers") currently being used in various clamshell packaging arrangements with those inserts being modified by deleting the picture of Mark Matheny shortly after he was attacked by a grizzly bear. For reasons explained below, you also must delete the reference to your web site from the bottom inserts and anywhere else that it might appear on your labeling.

We recently examined a center insert label for one of the packaging arrangements used for your bear pepper spray when it was sold as 71920-1-72007. We concluded that the items quoted or described below would be have been acceptable on such labeling had the labeling been submitted to us for review.

1. "Do NOT store in Hot vehicle or in direct sunlight)".
2. "Read Carefully the entire label upon purchase".
3. "Be Prepared!"
4. "With Glow in the Dark Safety Clip!"
5. "BEAR IN MIND THE INFORMATION."
6. "Safety Clip - to prevent loss, the safety clip is attached to the handle. Please leave attached".
7. The product name "pepper power"
8. "Holster Included"
9. "UDAP" with profile of whole bear
11. "#12HP Bear Spray with Holster"

12. UDAP's company name address and "800" number

13. "Range up to 30 feet (9 meters)"

14. **"Bear Deterrent pepper spray".**

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, prohibits labels and labeling for pesticide products from bearing

any statement, design, or graphic representation relative thereto that is false or misleading in any particular.

[FIFRA, Section 2(q)(1)(A), quoted in part, in combination with Section 12(a)(1)(E)]

In Title 40 of the Code of Federal Regulations, 40 CFR, §156.10(a)(5) lists 10 types of label statements which are categorically considered to be -- against making "*False or misleading statements*". The types of statements and graphics found to be objectionable in past assessments of bear pepper sprays generally have fallen into the categories listed below.

1. "A false or misleading statement concerning the composition of the product" [40 CFR, §156.10(a)(5)(i)];
2. "A false or misleading statement concerning the effectiveness of the product as a pesticide or device" [40 CFR, §156.10(a)(5)(ii)];
3. "A false or misleading comparison with other pesticides or devices" [40 CFR, §156.10(a)(5)(iv)];
4. "Any statement directly or indirectly implying that the pesticide or device is recommended or endorsed by any agency of the Federal Government" [40 CFR, §156.10(a)(5)(v)]; and
5. "A true statement used in such a way as to give a false or misleading impression to the purchaser" [40 CFR, §156.10(a)(5)(vii)].

The statements on the clamshell inserts for 71920-1-72007 that we regarded as objectionable (i.e., those which are not indicated above to be acceptable) either fell into these categories of "*False or misleading statements*" or otherwise were considered to be "false or misleading" in at least one particular. Some of those statements are identified and discussed below.

1. "'Wisdom is Better than Strength' Ecc. 9:16".

While this statement might often be true, it seems to be used misleadingly here in the sense that it might be perceived as implying that it is always smarter to use this product than alternative approaches such as use of a firearm (strength?) or maybe even a different bear pepper spray (implying that "It's wisest to use UDAP"). The Biblical reference is inappropriate, perhaps implying: "Be smart. Put God on your side."

We understand that your intended meaning might be to imply that it is smarter to repel the bear with a pepper spray than to attempt to do battle with it, to run away from it, or to shoot it. If the text stated that the product provides a way for both the user and the bear to survive and perhaps escape serious harm, we probably would accept it. As always, acceptance would depend on the specific wording proposed.

2. "As seen on the Discovery Channel!"

This phrase could be perceived as implying that your product is better than whatever other products might not have been "seen on the Discovery Channel!" and might possibly put you at some advantage relative to your competitors with people who recall the specific episode or otherwise think well of the Discovery Channel. This one was a narrow call for us.

3. The picture of Mark Matheny along with the statement "a grizzly bear attack survivor"

As we understand the history of the incident behind the picture, it occurred before any product was registered in the U.S. as a bear deterrent and before any product called "Pepper Power" was sold as a bear deterrent. Therefore, the product used to save Mark Matheny's life could not have been this product.

As presented on the clamshell inserts that we examined (text on the center insert, picture and "**BE PREPARED!**" on the footer), the picture seems to imply "This is what can happen if you're not prepared." That implication would not be completely correct, either, as the victim in this case reportedly was semi-prepared in that his companion carried unregistered pepper spray and used it to drive the bear away. Therefore, use of the picture without a complete description of the circumstances, including the fact that a different product was used, would be misleading. We also are rather sensitive about allusions on labeling to the period of time during which the registered bear pepper sprays being sold and used were not Federally registered.

4. References to your web site

Under FIFRA at Section 2(p)(2)(B) the definition of "labeling", "all other written, printed, or graphic matter" to which a pesticide label or labeling accompanying the pesticide "at any time" refers becomes additional labeling (except for certain categories of official publications which would not apply to your web site). Although the contents of your web site are stored electronically until someone prints them, they contain "graphic matter" and have "written" portions. In examining the contents of your web site on March 20, 2003, we found a number of false or misleading statements there, including stated or implied favorable comparisons of your products to competitors' products. Therefore, references to the web site on labels or labeling that accompany this product in commerce would misbrand it due to the presence of false or misleading statements in referenced labeling.

5. "Self-Defense Use only"

Although consistent with regard to how one should use the product with respect to bears, the expression "Self-Defense Use" also is consistent with how pepper sprays are supposed to be used against humans. We do not permit any claims or allusions to use against people to appear on labels of bear pepper sprays against. Pepper sprays that are sold for use against humans are regulated by a different agency.

The intended meaning of using "Self-Defense Use only" within the context of its bear pepper spray might be that humans should not seek encounters with bears or approach them aggressively just because they are armed with PEPPER POWER. If so, it would be possible to draft an appropriate admonishment. In fact, words to that effect already appear prominently on the accepted canister label ("**DO NOT SEEK OUT ENCOUNTERS WITH BEARS ...**").

6. "UDAP Industries concerned with Your Safety, and the preservation of Wildlife"

While this phrase might accurately reflect UDAP's corporate sentiments, use of the phrase on a label seems to imply that such concern might be unique to UDAP among those who market bear pepper sprays. In that regard, the phrase could be considered to be misleading.

We also note that only the front (center) panel of the label is completely visible and able to be read while the canister is in the clamshell. The text on the two other panels of the canister label is partially obscured by the plastic and, in some packaging arrangements, also by the chest holster. Consequently, not all required label text would be

... likely to be read and understood by the ordinary individual under customary conditions of purchase

[Section 2(q)(1)(E) of FIFRA, quoted in part]

The problem of obscured text could be remedied by repeating all of the elements of required label text that must be visible to the potential purchaser on the clamshell inserts, by adopting a two-panel canister label which allows all required text to be read through the plastic clamshell, or by putting all label text that is required to be displayed under conditions of purchase on the front panel.

[NOTE TO DAN PEACOCK: I have not gone into detail on what UDAP should do specifically about the obscured text issue because I suspect that some sort of interim fix will be negotiated between Region 8 and UDAP as a condition for putting the product back on the market. You might be involved in such discussions. I would not have to be a party to them as they likely would involve "non-efficacy" issues.]

Reply to Pride Johnson (Counter Assault)

The "UDAP Pepper Power" labeling that you sent to us on November 12, 2002, included some claims that had not been accepted for the product in question. That labeling also referred to a web site which, consequently, also qualified as "labeling" as defined in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, and in its attendant regulations. This material has been duly considered and corrective actions have been undertaken.

We reiterate that the presence of seemingly violative text on a pesticide label in the marketplace does not mean that such text has been accepted by EPA, nor does it mean that such text may be emulated for another product without specific approval by EPA.

William W. Jacobs
Biologist
Insecticide-Rodenticide Branch
March 25, 2003



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

February 12, 2003

MEMORANDUM

Subject Review of Pepper Power Label
Enforcement Case No. Unknown
Our E-Mail of February 6, 2003
Your E-Mails and Labeling of February 6 and 7, 2003

From Daniel B. Peacock, Biologist *DB Peacock*
Insecticide-Rodenticide Branch
Registration Division (7505C)

To Timothy Osag, Enforcement Case Review Officer
EPA Region 8
Denver, Colorado

Purpose The purpose of your E-Mail is to request a review of labeling for a pesticide product called "Pepper Power", for which the Office of Pesticide Programs (OPP) had received a complaint and had requested Region 9 to collect an official sample to determine if it complied with labeling accepted as part of its registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Complaint On November 12, 2002, Pride Johnson, registrant of the bear deterrent, Counter Assault (EPA Reg. No. 55541-2) complained to OPP that his competitor, Universal Defense Alternative Products (UDAP), was marketing a competing bear deterrent product under the name "Pepperpower" (EPA Distributor Reg. No. 71920-1-72007) with labeling claims that EPA had not permitted for Counter Assault. On November 18, 2002, we placed a copy of the offending labeling in review.

Referral OPP forwarded to Region 8 a copy of the material that Mr. Johnson had sent to OPP with a request to pick up an official sample for possible enforcement action.

Sample pickup

On December 11, 2002, Mr. Don Terrell of EPA Region 8 picked up a sample of this product from the following location:

McGuckin Hardware, Inc.
2525 Arapahoe Avenue
Boulder, CO 80302

Region 8 identified the sample as:

Pepper Power UDAP Pepper Power (9.2 ounces)
EPA Registration Number 71920-1-72007
EPA Establishment Number 071920-AZ-001

**Regulatory
history**

Original Registration:

On March 18, 1999, EPA registered BearGuard®, EPA Reg. No. 71920-1, to Guardian Person Security Products of Phoenix, Arizona.

On September 11, 2000, we informed the basic registrant, Guardian, that we had problems with UDAP's **proposed Clamshell Labeling and Dealer Handout.**

On October 21, 2000, we informed the basic registrant, Guardian, that we had problems with UDAP's **"EPA Certified Bear Deterrents Comparison", a letter with unsubstantiated claims, and a "Bear Deterrent Pepper Spray Active Ingredient Fact Sheet".**

Distributor Registration:

On March 22, 1999, Guardian and USDA apparently completed an application for a supplemental registration under the Distributor Product Name of "UDAP Pepper Bear Deterrent", EPA Distributor Reg. No. 71920-1-72007). We have a copy of this document.

On June 5, 2000, we informed the distributor registrant (UDAP), EPA Distributor Reg. No. 71920-1-72007, of problems with its promotional material for this product.

Review of labeling

We have reviewed the labeling for this product and have the following comments. The distributor's claims must be identical to that of the basic registrant except for the following elements:

1. product name,
2. company name and address, and
3. registration number.

**Review of
labeling-
continued-**

The labeling submitted with your February 6, 2003, E-Mail differed from the labeling accepted as part of the registration of the basic product under FIFRA in the following major areas:

1. On the "Front View of the Outer Packaging", we approved virtually none of the text, including the graphic of a raging bear. It contains unacceptable texts.
2. UDAP may argue that this product is not the EPA-registered bear deterrent because they added the text "self-defense use only" on the label. **In this case they would not be selling a misbranded registered product but an unregistered bear deterrent.** The graphic of the raging bear, texts referring to "bear deterrent" and "attacks", the use of a toll-free number (800-BEAR-941) on this panel alone all contradict the above disclaimer that the product is for "self-defense use only".
3. On the "Back Side of the Outer Packaging", we approved none of the text, which is filled with bear deterrent claims, some of which are unacceptable.
4. We did not approve the text on the "Footer to the Outer Packaging".
5. The text on the cannister label, which was the labeling accepted for the label of the basic product at the time of registration on March 18, 1999, was acceptable. The distributor company (UDAP) appears to have simply taken the can with the approved label from the basic company (Guardian) and added the unapproved insert card with its unacceptable claims.

Responsibility

Both the basic and distributor registrants have a responsibility to insure that the label sold in the marketplace meets the labeling requirements of FIFRA although the Statute makes the basic registrant the more responsible party.

The basic registrant is responsible for insuring that the labeling of the distributor product is in compliance with labeling accepted under FIFRA. If the basic registrant had knowledge of out-of-compliance labeling or actually prepared such labeling, that would be a more serious violation than if the basic registrant was simply unaware of labeling irregularities or had been deceived by the distributor.

In this case, it would be difficult to believe that the basic registrant was unaware of the distributor's labeling, given the statutory requirement, past OPP correspondence, the availability of UDAP's internet site, and the wide distribution of the products in that portion of the United States.

Recommendation

Having reviewed UDAP's labeling for its distributor product, Pepper Power, EPA Reg. No. 71920-1-72007, we recommend that Region 8 should take the following actions immediately:

1. stop sale the Pepper Power product under control of UDAP and Guardian, its distributors, and retailers,
2. require UDAP/Guardian to recall the product;
3. require UDAP/Guardian to remove the card (or replace it with one with approved labeling and graphic) prior to lifting the stop sale;
4. issue a press release announcing the regulatory action that Region 8 is taking against UDAP/Guardian and the actions needed for persons, retailers, and distributors having product with non-complying labeling; and
5. investigate how the non-complying labeling came to be used with the approved product and its labeling.

EPA contact

If you have any questions about this letter, please contact me by phone (703-305-5407), fax (703-305-6596), or E-Mail (peacock.dan@epa.gov).

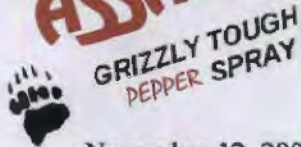
Copy to

Dr. William Jacobs, Vertebrate Biologist

Letter location

Disk 95 A:\Enforcement Case-Region 8\Review of PepperPower Label, 2-7-2003.wpd, February 12, 2003

**COUNTER
ASSAULT®**



**GRIZZLY TOUGH
PEPPER SPRAY**

November 12, 2002

120 Industrial Court
Kalispell, MT 59901
406-257-4740
Fax: 406-257-6674

email: original@counterassault.com

received
11/18/2002

Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)
1200 Pennsylvania Ave. NW
Washington DC 20460

Re: UDAP Pepper Power, EPA Reg. No.: 71920-1-72007

Dear Dan:

Enclosed is UDAP's packaging insert card and clamshell. The questionable texts are:

1. "Wisdom is Better than Strength" Ecc 9:16 ----- This is a quote from the bible, possibly indicating that God may be on the side of the user or persuading Christians to purchase this product over competitors.
2. "As seen on the Discovery Channel!" ----- Possibly persuading consumers that this product is somehow superior because it was televised.
3. The picture of a mauled person and the statement "a grizzly bear attack survivor" ----- This is basically a testimonial and it implies that his product is superior because he was attacked. The picture and statement insinuate that his product saved his life, when it was actually Counter Assault that was used to save this person's life.
4. Web site (2 locations) ----- You have told us we cannot list our web site or even our e-mail address on any point of purchase packaging.
5. "Self-Defense Use only" ----- Confuses the consumer that this product may be used on people and may be used as a personal defense spray.
6. When the can is in the clamshell, both side labels are not clearly readable to the consumer. It is fuzzy and distorted.
7. "UDAP Industries concerned with Your Safety, and the preservation of Wildlife" ----- We are all concerned with safety and wildlife. If he is so concerned, he should do what we do, donate a percentage of the proceeds to a non-profit conservation group.

UDAP has used similar text for his packaging for several years and I assumed that this insert card was EPA registered. Everyone in this business knows that this type of information is unallowable on any point-of-purchase packaging and that all such packaging requires EPA approval. We, therefore, have complied with these regulations. We can only assume that if UDAP Pepper Power, packaged as it is now,

is not placed under stop-sale status by the end of January 2003, it is acceptable for us to make similar statements on our packaging.

Also, what will be done with the possible thousands of mislabeled cans that are on the market? Will they be recalled and relabeled or allowed to remain on the market?

I look forward to hearing from you on this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Pride Johnson", with a long horizontal flourish extending to the right.

Pride Johnson
President/Chemist



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

March 6, 2003

Mr. Mark Matheny
Universal Defense Alternative Products (UDAP)
13160 Yonder Road
Bozeman, MT 59718

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Dear Mr. Matheny:

Subject: Transfer of Pesticide Registration From
Company Number 71920 to Company Number 72007

Pursuant to your request in your letter and transfer agreement of January 16, 2003 (received by the Agency on February 25, 2003), we have approved the transfer of the following registration from **Defense Technology Federal Laboratories and Guardian Products**, company number 71920, to **Universal Defense Alternative Products (UDAP)**, company number 72007.

The effective date of these changes is the date of this letter.

Registered Products

Old EPA
Reg. No.

New EPA
Reg. No.

Bear Guard

71920-1

72007-1

You should indicate the new company designation, new EPA Registration Number and new Establishment Number (if it has changed) on the labeling at the next printing which should occur no later than 18 months after the effective date of this transfer. After 18 months, any product released for shipment must bear the new Registration Number and Establishment Number. If you intend to use the labels which currently appear on the transferor's product after the effective date of the transfer, but within the 18 month grace period, you must maintain complete and accurate records which identify by batch number, lot number, or other suitable description the quantities of such product bearing the transferor's label. Each container or package bearing the transferor's label which is released after the effective date of product registration transfer, must be clearly and accurately marked with the batch number, lot number or other descriptive designation used to identify the product in your records.

Supplemental distribution agreements of registered products do not transfer with the Section 3 registration. It is your responsibility as the registrant to notify any and all supplemental distributors of the transferred product(s) of this transfer agreement. If you wish to enter into supplemental distribution agreements of your product(s) under this new registration, the form "Notice of Supplemental Distribution of a Registered Pesticide Product," EPA Form 8570-5, must be submitted to the Agency for each supplemental distributorship.

You are required to contact your local EPA Regional Office to determine what effect this transfer of pesticide registrations has on the pesticide production establishment registration.

It will not be necessary to submit labeling for review if the only changes are in the company designation and the EPA Registration Number. Other changes in the product and/or labeling may require EPA review and approval prior to initiation. In any correspondence on these products always refer to the U.S. EPA Registration Number listed above.

The transferred registration will have the same status under the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 USC 136 et seq., as it had prior to the approval of this transfer.

When registrations are transferred from one company to a second company, all restrictions, data requirements, conditions (suspensions), and deadlines existing on the registrations are transferred with the registrations. The new company is responsible for adhering to or complying with all such restrictions, etc. on the acquired products.

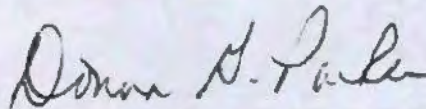
In regard to deadlines, the transferee company is responsible for submitting all required data according to the schedules already established for the acquired products. Failure to do so will result in the issuance of a Notice of Intent to Suspend. Requests from transferee companies for additional time to submit, because they acquired the registration(s) after the 3(c)(2)(B) request was issued will not be granted. If a transferee company has other valid reasons for delays in the testing which were clearly outside of their control, then such requests for time extensions will be considered in accordance with the established procedures. Transfers occurring while a 3(c)(2)(B) request is being issued or during the 90-day response time are subject to the same conditions expressed above.

Registration is in no way to be construed as an endorsement or approval of these products by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with FIFRA.

Furthermore, the transfer of the subject registrations is approved under the condition that the annual maintenance fee obligation has been fully satisfied. The marginal maintenance fee is determined based solely on the total number of active section 3 and section 24(c) registrations held by the transferor. If the annual maintenance fee has not been fully satisfied, the transferee and transferor will be notified to comply within a specified time period or the affected registrations may be canceled.

By copy of this letter we are informing the transferor of these changes. If you have any questions about this transfer approval please contact me at (703) 305-6474.

Sincerely,



Donna G. Parker
Information Management Specialist
Information Services Branch
Information Resources & Services Div. (7504C)

cc: Ms. Debbie Conley
Defense Technology Federal
Laboratories and Guardian Products
P.O. Box 248
Casper, WY 82602-0248



Dan Peacock

02/12/03 02:19 PM

To: Tim Osag/ENF/R8/USEPA/US@EPA
cc: Bill Jacobs/DC/USEPA/US@EPA, Don
Terrell/TMS/R8/USEPA/US@EPA
Subject: Review of UDAP Pepper Power Distributor Label: 71920-72007
Don Terrell's E-Mails of Feb 6 and 7, 2003

Tim,

I have reviewed the labeling submitted with the above two E-Mails.

The cannister label is acceptable, but all other labeling is unacceptable.

The basic registrant, Guardian, and the distributor registrant, UDAP, have been previously warned, verbally and in writing, about some of the unacceptable claims and have been informed many times in the past to market the product **only** with approved labeling.

I suggest that you stop sale the product immediately! See attached memorandum for details.

Thank You,

Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)
1200 Pennsylvania Ave. NW
Washington, DC 20460

Tel: 703-305-5407

Fax: 703-305-6596

E-Mail: peacock.dan@epa.gov

455
11

5-629244



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

February 12, 2003

MEMORANDUM

455 5-629244
11

Subject Review of Pepper Power Label
Enforcement Case No. Unknown
Our E-Mail of February 6, 2003
Your E-Mails and Labeling of February 6 and 7, 2003

From Daniel B. Peacock, Biologist *DB Peacock*
Insecticide-Rodenticide Branch
Registration Division (7505C)

To Timothy Osag, Enforcement Case Review Officer
EPA Region 8
Denver, Colorado

Purpose The purpose of your E-Mail is to request a review of labeling for a pesticide product called "Pepper Power", for which the Office of Pesticide Programs (OPP) had received a complaint and had requested Region 9 to collect an official sample to determine if it complied with labeling accepted as part of its registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

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Region 8 identified the sample as:

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EPA Registration Number 71920-1-72007
EPA Establishment Number 071920-AZ-001

**Regulatory
history**

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Review of labeling

We have reviewed the labeling for this product and have the following comments. The distributor's claims must be identical to that of the basic registrant except for the following elements:

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2. company name and address, and
3. registration number.

**Review of
labeling-
continued-**

The labeling submitted with your February 6, 2003, E-Mail differed from the labeling accepted as part of the registration of the basic product under FIFRA in the following major areas:

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Responsibility Both the basic and distributor registrants have a responsibility to insure that the label sold in the marketplace meets the labeling requirements of FIFRA although the Statute makes the basic registrant the more responsible party.

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In this case, it would be difficult to believe that the basic registrant was unaware of the distributor's labeling, given the statutory requirement, past OPP correspondence, the availability of UDAP's internet site, and the wide distribution of the products in that portion of the United States.

Recommendation Having reviewed UDAP's labeling for its distributor product, Pepper Power, EPA Reg. No. 71920-1-72007, we recommend that Region 8 should take the following actions immediately:

1. stop sale the Pepper Power product under control of UDAP and Guardian, its distributors, and retailers,
2. require UDAP/Guardian to recall the product;
3. require UDAP/Guardian to remove the card (or replace it with one with approved labeling and graphic) prior to lifting the stop sale;
4. issue a press release announcing the regulatory action that Region 8 is taking against UDAP/Guardian and the actions needed for persons, retailers, and distributors having product with non-complying labeling; and
5. investigate how the non-complying labeling came to be used with the approved product and its labeling.

EPA contact If you have any questions about this letter, please contact me by phone (703-305-5407), fax (703-305-6596), or E-Mail (peacock.dan@epa.gov).

Copy to Dr. William Jacobs, Vertebrate Biologist

Letter location Disk 95 A:\Enforcement Case-Region 8\Review of PepperPower Label, 2-7-2003.wpd, February 12, 2003

Complete Packaging
(Front)



This is the front of the complete package

Complete Packaging
(Rear)



This is the rear of the complete package.

Sent by Don Terrell
2/7/2003 : 12:59 PM

Cannister Label
(Front Panel)



DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

RE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans. It is not for use in encounters with bears or intentionally provoke them. The product may not be effective in all situations or prevent all attacks. Do not spray this product on tents, other objects, or clothing. Such use has no deterrent effect on bears. Keep safety clip away from children when practicing with or using the product. Do not use the product on any food or feed materials which may have been contaminated with this product. Use with caution. Contents will cause only temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

The product has a range of up to 30 feet (9 meters). The canister empties completely in approximately 4 seconds (125g container) 5.4 seconds (250g container).

APPLICATION DIRECTIONS: Special procedures must be followed when the container, apply the product, and restore the safety clip to the canister. Before taking this product into bear country, read the instructions and familiarize yourself with these procedures. If you take the container, do so with your back to the wind in an area where you are alone and alone. Do not test-fire Pepper Power in an area where you are alone, hunt, hike, or fish. Do not test-fire for more than 10 seconds. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should consult a U.S. Forest Service ranger and practice with it until you can perform safely and successfully, the activities described in the column below.

HOW TO APPLY: Place forefinger through loop of nozzle with thumb on curl of safety clip (Fig. 1). Use thumb, pull safety clip up and straight back. This will expose the trigger lever. Depress trigger lever with thumb, releasing a 1 second burst of spray (Fig. 2). This should be done as the attacking bear is charging toward you and is about 40 feet away (20 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the bear's head, eyes and face if you must face the bear.

CAUTION: Hold safety clip as illustrated (Fig. 3).



Fig. 1



Fig. 2



Fig. 3

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS & DOMESTIC ANIMALS

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye irritation. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID

IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water by disposing of unused material.

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120°F or below 32°F.

DISPOSAL: When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE

Disclaimer: To the extent allowed by law, U.S. Forest Service, Inc. shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. **Note:** As part of an ongoing research project, U.S. Forest Service needs your true account of Pepper Power® use against bear attacks. Please call 1-800-735-7941 for details.

Insert Card
Label
(Side #1)

SELF-DEFENSE USE *only*



**pepper
power™**

As seen on The Discovery Channel!



Bear
Deterrent
pepper
spray

*"We are dedicated in
helping safeguard people
from attacks and to help
co-exist with our wildlife!"*

**Thank you for Being Prepared
with a Leader in Bear Deterrent
Pepper Sprays.**

UDAP Products

ITEM#	NET CONTENTS	DESCRIPTION
12HP	7.9oz-225g	Bear Spray w/Hip Holster
12CP	7.9 oz-225g	Bear Spray w/Chest Holster
15HP	9.2 oz-260g	Bear Magnum w/Hip Holster
15CP	9.2 oz-260g	Bear Magnum w/Chest Holster
12	7.9oz-225g	Bear Spray (can only)
15	9.2 oz-260g	Bear Magnum Spray (can only)
ALLBE	Palm Mount	Clam-on Bracket for Hiking Poles
12ASC	Case - Aircraft safety container (small aircraft)	
15ASC	Case - Aircraft safety container (small aircraft)	
9HP	6.3oz-180g	Magnum PD with Hip Holster
9	6.3oz-180g	Magnum PD (can only)
9CP	6.3oz-180g	Magnum PD with Chest Holster
SWOL	1 hr.	Bear Attacks Video
PSK	total=9.9oz-284g	Pepper Spray Kit (9- 3P-1-PH)
PH	0g	Pepper Pen (stream)
1	.4oz-11g	Key Chain Spray (fog)
2	1.1oz-30g	Lock Spray (fog)
3	1.9oz-55g	Fogger Spray (fog)
3P	1.9oz-55g	Jagger Fogger with Holster (fog)
2C	1.5oz-44g	Pepper Power P-10 Cone
4C	3.1oz-90g	" " Cone
2S	1.5oz-44g	Pepper Power P-10 Stream
4S	3.1oz-90g	" " Stream

In any kind of attack situation you have to **react** under pressure.
Attacks can be fast, often leaving you no time to think, only time
to react. We strongly recommend you take time to familiarize
yourself with this products operation.

800 BEAR 941

udap.com

**Stay
alert**

Front view of
the outer
packaging

UDAP's unique "Shoot from the Holster" designs!

"Wisdom is Better than Strength" Ecc. 9:16

• Be Prepared!

Insert Card
Label
(Side #2)

Mark Matheny is grizzly bear attack survivor



UDAP Industries "concerned with your safety and the preservation of Wildlife."

Bear Attack

While out bear hunting on September 25, 1992, Mark Matheny was attacked by a female grizzly bear on a main trail. In less than half a minute the grizzly charged and mauled Mark two times. Mark's hunting partner, Dr. Fred Bohannon, reacted immediately, spraying the attacking bear with a small 4 oz. can of pepper spray. Now out of pepper spray both men were in even more danger if the hostile grizzly returned. Fortunately Dr. Bohannon got Mark out of the woods and to the emergency room without further incident. Mark suffered extensive bite lacerations to the head and neck, superficial bite lacerations to the right arm, and also to the left anterior chest. He stayed conscious, but lost approximately one unit of blood. Mark's wounds would have been much worse, if not fatal, if his hunting partner would not have had the can of pepper spray.

Thanks to God, a friend, and pepper spray, I am still here.
Mark Matheny, President - UDAP Industries

BEAR IN MIND
USE INFORMATION

"Wisdom is Better
than
Strength" Ecc. 9:16

BE PREPARED!

*Safety Tip - In prevent loss,
also making it to shed for the hunter,
please leave attached*



STOPS CHARGING GRIZZLY

On October 6, 1999, I startled 3 large grizzlies, a sow and two nearly mature cubs. All three bears charged me from about 40 yards out, closing the distance between us to less than 10 yards in little more than a second. The leading sow continued her charge, head down, ears back, without breaking stride while the two others hung up slightly behind her. I was carrying UDAP Pepper Power on my right hip and stored as recommended in your literature. I blasted a cloud out between us as quickly as I could. Although by this time she was only 20 feet away, a cross breeze disrupted the only orange mist I let her know it again at 10-12 feet and discharged a final burst at 7-8 feet. The last burst misted her square in the face and she stopped cold. The angry bear then



Eric Bunge

popped her jaws, shook her massive head about and balled over the rise. The two others followed right on her heels. Although the sow was fiercely determined to attack me, I was able to effectively fend her off with no permanent injury to either of us. It's non-lethal which supports my own personal ethics as well as faster and easier to deploy than a firearm, especially under extreme duress.

Thanks for creating such a valuable and ecologically conscience product.

Your efforts are truly saving lives!

Eric Bunge

The latest stories
from actual encounters
and more! go to:
udap.com

UDAP's unique "Shoot
from the Holster" designs,
providing silent and easy
access to the trigger.

Hip Holster Chest Holster



To see more Accessories visit: udap.com

30 FOOT FOG!
(9 meters)

Back side of
the outer
packaging

Read Carefully the entire label upon purchase
(Do NOT store in Hot vehicle or in direct sunlight)

• With Glow in the Dark Safety Clip!

• For Bear Safety Tips visit: udap.com



This is the footer to the outer packaging

N:\Pepperpower,2.wpd,February 7, 2003



Don Terrell
Sent by: Don Terrell
02/07/2003 12:59 PM

To: Dan Peacock/DC/USEPA/US@EPA
cc:
Subject: More UDAP Labels

Dan:

Here are the panels from the UDAP Pepper Power label on the sprayer. If you launch them and use 100% view, you should be able to read the wording.



Leftpanel.jpg



rightpanel.jpg



Centerpanel.jpg

Cannister labels

Donald L. Terrell (8ENF-T)
US EPA Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466
Phone (303) 312-6482
FAX (303) 312-6409

UDAP Pepper Power (9.2 ounces)
EPA Registration Number 71920-1-72007
EPA Establishment Number 071920-AZ-001

Sample purchased by Don Terrell, USEPA Region 8, December 11, 2002 at:

McGuckin Hardware, Inc.
2525 Arapahoe Avenue
Boulder, CO 80302



Don Terrell
Sent by: Don Terrell
02/06/03 05:22 PM

To: Dan Peacock/DC/USEPA/US@EPA
cc:
Subject: UDAP Pepper Power Label

Dan:

Attached is the sample label you requested from Tim Osag.

If you print the attachment on a color printer you can read the fine print easily. Also you can enlarge the document to 200% to easily read the print.

The label on the device or sprayer appears to be similar to the approved label.

If you need any more information, feel free to call me at (303) 312-6482

Don Terrell



Pepperpower.wpc



Dan Peacock

02/06/03 09:41 AM

To: Tim Osag/ENF/R8/USEPA/US
cc: <pride@counterassault.com>
cc:
Subject: Re: Supplemental Labeling

Tim,

I believe that Pride Johnson has a valid point. EPA needs to take enforcement action against UDAP for misbranding if UDAP is really selling his product with non-conforming labeling. In the past, the Registration Division has reviewed non-conforming labeling that UDAP was using in the channels of trade. Therefore, they should know better.

Could you pick up an official sample of UDAP's product and send us a copy of the label for our review and compliance with the accepted labeling?

Here is the information that I have on UDAP's **UDAP Pepper Power, EPA Reg. No. 71920-1-72007**

Universal Defense Alternative Products (UDAP)
13160 Yonder Road
Bozeman, MT 59715
Contact: Mark Matheny
Tel: 1-800-232-7941
E-Mail: beaman@udap.com
Website: udap.com

According to Pride Johnson, UDAP Pepper Power may be found at any of the following stores:



UDAP Pepper Spray Store Locations, 2-6-2003 per Pride J

1. Gart's Sports; corporate headquarters in Denver, CO (many stores throughout the NW)
2. Sportsman's Warehouse, headquarters in Salt Lake, UT (")
3. Cal Stores; headquarters in Idaho Falls, ID (")
4. Bob Ward's & Sons, Missoula, MT (5 stores in MT)
5. Rocky Mountain Sports; Cody, WY (3 stores in WY)
6. Delaware North Companies; Bozeman, MT (Yellowstone National Park concessionaire)

Thank You,

Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)
1200 Pennsylvania Ave. NW
Washington, DC 20460

Tel: 703-305-5407

Fax: 703-305-6596

E-Mail: peacock.dan@epa.gov

..... Forwarded by Dan Peacock/DC/USEPA/US on 02/06/03 09:41 AM



Pride
<pride@counterassault.com>

02/05/03 11:24 AM

To: Dan Peacock/DC/USEPA/US@EPA
cc: Bill Jacobs/DC/USEPA/US@EPA, Tim
Osag/ENF/R8/USEPA/US@EPA, gmfitt@state.mt.us
Subject: Re: Supplemental Labeling

Dan;

The attached is an e-mail I received from you acknowledging that you received UDAP's supplemental labeling. I sent all this info back in November 2002. UDAP; which is a subregistrant of Bear Guard, has been selling it's product since Bear Guard received registration. During this time, UDAP has used supplemental language that you have not allowed Counter Assault to use. WHY? By your own e-mail, Bear Guard has not received any supplemental labeling and therefore their subregistrants, UDAP and Bear PepperMace, supplemental labeling isn't registered.

I had previously sent your an e-mail informing , before you received your samples, as to the location of said products. That is why you requested a sample. DUUHHH! UDAP's products are sold at :

1. Gart's Sports; corporate headquarters in Denver, CO (many stores throughout the NW)
2. Sportsman's Warehouse, headquarters in Salt Lake, UT (")
3. Cal Stores; headquarters in Idaho Falls, ID (")
4. Bob Ward's & Sons, Missoula, MT (5 stores in MT)
5. Rocky Mountain Sports; Cody, WY (3 stores in WY)
6. Delaware North Companies; Bozeman, MT (Yellowstone National Park concessionaire)

LOOK--- IT'S OUT THERE

These are only a few but assuming your group wants to find product, there are literally thousands of illegal and unregistered cans on the market; mostly UDAP and Bear PepperMace.

I always keep photocopies of materials I send to you; because historically, the EPA tends to misplace things; either by accident or on purpose. That is why I send materials to you by registered mail and return signature.

There is a double standard going on here. It appears to me that no one besides Counter Assault is being required to follow the EPA regulations. We are at a severe disadvantage in the market place by the actions and inaction of the EPA. We are tired of this double standard and expect someone in the EPA to take immediate action.

----- Original Message -----

From: <Peacock.Dan@epamail.epa.gov>
To: "Pride" <pride@counterassault.com>
Cc: <Jacobs.Bill@epamail.epa.gov>; <Osag.Tim@epamail.epa.gov>
Sent: Tuesday, February 04, 2003 3:22 PM
Subject: Re: Supplemental Labeling

- >
- > Pride,
- >
- > If you want us to take some action, you need to supply me more
- > information:
- >
- > 1. where is the supplemental literature being sold? city and state
- > 2. is it being sold with his product

> Pride
> <pride@counterass To: Dan
Peacock/DC/USEPA/US@EPA
> ault.com> cc:
> Subject: Supplemental
Labeling
> 02/03/2003 12:04
> PM

```
> Dan,  
> I was a distributor show this past week and UDAP had the same packaging  
> that I sent to you. What's Happening?  
> Assuming that the EPA is NOT going to take measures; I WILL!  
> Pride Johnson  
> Counter Assault  
> President/Chemist  
> 800-695-3394  
> pride@counterassault.com  
> www.counterassault.com
```

22

Thank you for sending me the packaging for UDAP's "Pepper Power": 1) a

"U" shaped card with text on both sides and 2) a green insert card. If you look at our website (www.epa.gov/pesticides) for the basic product (71920-1), you will see that we have not approved any inserts for the basic product, Bear Guard. Except for name, address, and registration number, the labeling for the distributor product is supposed to be identical to the basic product.

We will be doing a review of the submitted labeling and taking appropriate action.

Could you provide us with the following information: place of purchase, date of purchase, and photocopy of basic product label.

In the interim, only market your product with labeling that the Agency has approved.

Thank You,

Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)
1200 Pennsylvania Ave. NW
Washington, DC 20460

Tel: 703-305-5407
Fax: 703-305-6596
E-Mail: peacock.dan@epa.gov

Peacock/DC/USEPA/US@EPA
Pride
<pride@counterassault.com>
11/18/02 10:42
AM

To: Dan
cc:
Subject: UDAP Packaging

Dan;
Last week I sent you a package containing the clamshell and insert of UDAP's packaging. Please let me know when you receive this package.
Thanks.

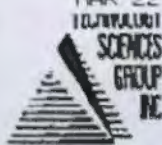
Pride Johnson
Counter Assault
President/Chemist
800-695-3394
pride@counterassault.com
www.counterassault.com

REGISTERED BEAR-DETERRENT PRODUCTS IN THE UNITED STATES

(as of March 30, 2000)

Source: Dan Peacock, Registration Division, Office of Pesticide Programs, EPA
(Tel 703-305-5407, Fax 703-305-6596, E-Mail: peacock.dan@epa.gov)

Name, Adm. No., and Status	Company Name, Address, and Contact
Capsaicin and Related Capsaicinoids (1 to 2%)	
1. Counter Assault Bear Deterrent EPA Reg. No. 55541-2 Application received 7/22/97 Registered May 12, 1998	Bushwacker Backpack & Supply Co. Inc. 120 Industry Court Kalispell, MT 59901 Attention: Mr. Pride Johnson Tel: 1-800-695-3394 E-Mail: counterassault@bigsky.net Web Site: counterassault.com/
2. Guard Alaska Bear Repellent EPA Reg. No. 71545-1 Application received 7/13/98 Registered December 22, 1998	McNeil River Enterprises, Inc., 750 West Diamond, Suite 203 Anchorage, AK 99515 Attention: Mr. Randy Prater Tel: 1-888-419-9695 E-Mail: randy@guardalaska.com Web Site: guardalaska.com
3. BearGuard EPA Reg. No. 71920-1 Application received 12/16/98 Registered March 18, 1999	Guardian Personal Security Products, Inc. 21639 North 14 th Ave., Phoenix, AZ 85027 Attention: Mr. Karl Scholz Tel: 1-800-527-4434 E-Mail: guardianproducts@worldnet.att.net Web Site: guardianproducts.com
4. UDAP Pepper Power EPA Reg. No. 71920-1-72007 [A subregistrant of Bear Guard]	Universal Defense Alternative Products (UDAP) 13160 Yonder Road Bozeman, MT 59715 Contact: Mark Matheny Tel: 1-800-232-7941 E-Mail: bearman@udap.com Website: udap.com
5. Bear Peppermace EPA Reg. No. 71920-1-61311 [A subregistrant of Bear Guard]	MACE Security International, Inc. 160 Benmont Ave. Bennington, VT 05201 Contract: Eric Crawford Tel: 1-802-447-1503 E-Mail: mace@sover.net Website: mace.com

**TECHNOLOGY SCIENCES GROUP INC.**
WASHINGTON OFFICE

WASHINGTON

1101 17th Street, N.W.

Suite 500

Washington, D.C. 20036

Telephone 202 223 4382

Fax 202 872 0745

CALIFORNIA

2700 Stewart Street Tower

One Market

San Francisco, CA 94105

Telephone 415 267 4119

Fax 415 267 4198

712 Fifth Street

Suite A

Davis, CA 95618

Telephone 530 757 1298

Fax 530 757 1299

e-mail: tsg@tsgusa.com<http://www.tsgusa.com>

Date: 3/22/99

Time:

To: Dan Beacock

Company: Insecticide - Rodenticide Branch, RD

Fax Number: (703) 305-6576

From: Amy Roberts

Company: Technology Sciences Group Inc.

Fax Number: (202) 872-0745

Subject: Beacock / UOAP Subregistration

Pages, including cover 3

Message:

Don -
Copy of the UOAP subregistration
& their label. I will forward
via mail a clearer copy for your
files.

Regards,

Amy Roberts

(202) 872-0745

CONFIDENTIALITY NOTICE

This facsimile cover sheet and any documents which may accompany it, contain information from Technology Sciences Group Inc., which is intended for the use of the individual or entity to which it is addressed, and which may contain information that is privileged, confidential, and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, any disclosure, dissemination, distribution, copying, or other use of this communication or its substance is prohibited. If you have received this communication in error, please call us collect to arrange for the destruction of the communication or its return to us at our expense. Thank you.



Environmental Protection Agency

Office of Pesticide Programs (7505C)

Washington, DC 20460

Notice of Supplemental Distribution of a Registered Pesticide Product

Instructions

After a registrant has obtained final registration for the basic product, the registrant may then supplementarily distribute his/her product. One form must be submitted for each distributor product and must be signed by the distributor involved. The basic registration number and the distributor company number must be shown.

If a registrant has a potential distributor who does not have a company number assigned, she/he should have the distributor apply, on letterhead stationery, to the Registration Division to have a number assigned prior to submitting this form to the agency.

This Notice of Supplemental Distribution must be submitted by the basic registrant. The completed form must have the concurrence and signature of both the registrant and the distributor.

EPA Registration Number of Product

71920-1

Distributor Company Number

73007

Note: Do not submit distributor product labels

Name of Registered Product (Basic product name accepted by EPA)

BearGuard Bear Deterrent

Distributor Product Name

UDAP Pepper Power Bear Deterrent

Name and Address of Distributor (Type; include ZIP code)

UDAP Industries, Inc.

13160 Yonder Road

Bozeman, MT 59715

Read All Conditions Before Signing

1. The distributor product must have the same composition as the basic product.
2. The distributor product must be manufactured and packaged by the same person who manufactures and packages the registered basic product.
3. The labeling for the distributor product must bear the same claims as the basic product, provided, however, that specific claims may be deleted if by doing so, no other changes to the label are necessary.
4. The product must remain in the manufacturer's unbroken container.
5. The label must bear the EPA registration number of the basic product, followed by a hyphen and the distributor's company number.
6. Distributor product labels must bear the name and address of the distributor qualified by such terms as "packed for...", "distributed by...", or "sold by..." to show that the name is not that of the manufacturer.
7. All conditions of the basic registration apply equally to distributor products. It is the responsibility of the basic registrant to see that all distributor labeling is kept in compliance with requirements placed on the basic product.

Distributor

We intend to market our product under the Distributor Product Name specified above, subject to the conditions specified on this Notice.

Signature and Title of Distributor

President

Date

3/22/99

Registrant

I agree that the distributor named above may distribute and sell the Distributor Product specified above, subject to the conditions specified on this Notice.

Signature and Title of Registrant

Regulatory Counsel

Date

3/22/99

EPA Form 607D-5 (Rev. 3-84) Previous editions are obsolete.

U.S. Gov. Printing Office

Yellow Form - White - EPA

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS & DOMESTIC ANIMALS

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID

IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water by disposing of unused material.

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120°F or below 32°F.

DISPOSAL: When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE

Disclaimers: To the extent allowed by law, UDAP Industries, Inc. shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. **Warning:** As part of an ongoing research project, UDAP Industries needs your true account of Pepper Power use against bear attacks. Please call 1-800-232-7941 for details.

UDAP **pepper power.**



**bear
deterrent**
pepper spray

**DO NOT SEEK OUT ENCOUNTERS WITH BEARS.
THIS PRODUCT IS A BEAR ATTACK DETERRENT
WHICH MAY PROTECT USERS IN SOME
UNEXPECTED CONFRONTATIONS WITH BEARS BUT
MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR
PREVENT ALL INJURIES. READ THIS ENTIRE LABEL
BEFORE TAKING THIS PRODUCT INTO AREAS
WHERE BEARS MIGHT BE ENCOUNTERED.
KEEP OUT OF REACH OF CHILDREN
DANGER**

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredient:	
Capsaicin and related capsaicinoids*	2.0%
Inert ingredients	98.0%
TOTAL	100.0%

*Made from Oleoresin of Capsicum

Produced for: UDAP Industries, Inc.

13168 Yonder Road Buzzards, NY 59718

1-800-232-7941 (406)763-4242

CHEMICAL EMERGENCY: 1-800-535-3053

EPA Reg. No.: 71920-1-73007 EPA Est. No.: 071920-AZ-001
NET CONTENTS: 7.9 ounces (225g) or 9.2 ounces (260g)

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when preparing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 30 feet (9 meters). The canister empties completely in approximately 4 seconds (225g container) 5.4 seconds (260g container).

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety clip to disarm the container. Before using this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire Pepper Power in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a UDAP training can and practice with it until you can perform, quickly and accurately, the activities described in the column below.

TO ARM AND APPLY: Place forefinger through loop in handle with thumb on curl of safety clip (Fig. 1). With thumb, pull safety clip up and straight back. This will expose the trigger lever. Depress trigger lever with thumb, releasing a 1 second burst of spray (Fig. 2). This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face the wind.

TO DISARM:
Replace safety clip as illustrated (Fig. 3).



Fig. 1



Fig. 2



Fig. 3



United States

Environmental Protection Agency

Office of Pesticide Programs (7505C)
Washington, DC 20460

247417

Notice of Supplemental Distribution of a Registered Pesticide Product

Instructions

After a registrant has obtained final registration for the basic product, the registrant may then supplementally distribute his/her product. One form must be submitted for each distributor product and must be signed by the distributor involved. The basic registration number and the distributor company number must be shown.

If a registrant has a potential distributor who does not have a company number assigned, she/he should have the distributor apply, on letterhead stationery, to the Registration Division to have a number assigned prior to submitting this form to the agency.

This Notice of Supplemental Distribution must be submitted by the basic registrant. The completed form must have the concurrence and signature of both the registrant and the distributor.

EPA Registration Number of Product

3 71920-1 8

Distributor Company Number

73144 8

Note: Do not submit distributor product labels

Name of Registered Product (basic product name accepted by EPA)

BearGuard Bear Deterrent

Distributor Product Name

Alaska Backpacker

Name and Address of Distributor (Type; include ZIP code)

V.F. Grace, Inc.
605 E. 13th
Anchorage, AK 99501

Read All Conditions Before Signing

1. The distributor product must have the same composition as the basic product.
 2. The distributor product must be manufactured and packaged by the same person who manufactures and packages the registered basic product.
 3. The labeling for the distributor product must bear the same claims as the basic product, provided, however, that specific claims may be deleted if by doing so, no other changes to the label are necessary.
 4. The product must remain in the manufacturer's unbroken container.
- The label must bear the EPA registration number of the basic product, followed by a hyphen and the distributor's company number.
6. Distributor product labels must bear the name and address of the distributor qualified by such terms as "packed for...", "distributed by..."; or "sold by..." to show that the name is not that of the manufacturer.
 7. All conditions of the basic registration apply equally to distributor products. It is the responsibility of the basic registrant to see that all distributor labeling is kept in compliance with requirements placed on the basic product.

Distributor

We intend to market our product under the Distributor Product Name specified above, subject to the conditions specified on this Notice.

Signature and Title of Distributor

V.F. GRACE, INC
SPORTING GOODS MGR

Date

3/10/00

Registrant

I agree that the distributor named above may distribute and sell the Distributor Product specified above, subject to the conditions specified on this Notice.

Signature and Title of Registrant

Amy Platz Roberts
Regulatory Agent

Date

3/20/00

7-20-84

Paperwork Reduction Act Notice

The annual respondent burden for the Notice of Supplemental Distribution of a Registered Pesticide Product is estimated to average 15 minutes per response, including time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information. Send comments regarding this burden, to Chief, Information Policy Branch, 2136, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460; and to Paperwork Reduction Project (OMB No. 2070-0044), Office of Management and Budget, Washington, DC 20503, Marked "Attention Desk Officer for EPA."

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11

11

00/00/0

00/00/0

00/00/0

Please Read All Instructions Before Completing this Form (Form must be typed) Form Approved. OMB No. 2070-0044. Approval Expires 1-31-95



United States
Environmental Protection Agency
 Office of Pesticide Programs (7505C)
 Washington, DC 20480

251041
 12A5-3

Notice of Supplemental Distribution of a Registered Pesticide Product

Instructions

After a registrant has obtained final registration for the basic product, the registrant may then supplementally distribute his/her product. One form must be submitted for each distributor product and must be signed by the distributor involved. The basic registration number and the distributor company number must be shown.

If a registrant has a potential distributor who does not have a company number assigned, she/he should have the distributor apply, on letterhead stationery, to the Registration Division to have a number assigned prior to submitting this form to the agency.

This Notice of Supplemental Distribution must be submitted by the basic registrant. The completed form must have the concurrence and signature of both the registrant and the distributor.

EPA Registration Number of Product

3 71920-18

Distributor Company Number

To SR dba Anco Enterprises, Inc.

Note: Do not submit distributor product labels

Name of Registered Product (basic product name accepted by EPA)

BEAR GUARD

Distributor Product Name

Pioneer

Name and Address of Distributor (Type; include ZIP code)

Anco Enterprises, Inc.
 3723 East Thunderbird Road
 # 26-156
 Phoenix AZ 85032

Read All Conditions Before Signing

1. The distributor product must have the same composition as the basic product.
2. The distributor product must be manufactured and packaged by the same person who manufactures and packages the registered basic product.
3. The labeling for the distributor product must bear the same claims as the basic product, provided, however, that specific claims may be deleted if by doing so, no other changes to the label are necessary.
4. The product must remain in the manufacturer's unbroken container.
5. The label must bear the EPA registration number of the basic product, followed by a hyphen and the distributor's company number.
6. Distributor product labels must bear the name and address of the distributor qualified by such terms as "packed for...", "distributed by..."; or "sold by..." to show that the name is, not that of the manufacturer.
7. All conditions of the basic registration apply equally to distributor products. It is the responsibility of the basic registrant to see that all distributor labeling is kept in compliance with requirements placed on the basic product.

Distributor

We intend to market our product under the Distributor Product Name specified above, subject to the conditions specified on this Notice.

Signature and Title of Distributor

Ann Marie Scott President

Date

12/17/00

Registrant

I agree that the distributor named above may distribute and sell the Distributor Product specified above, subject to the conditions specified on this Notice.

Signature and Title of Registrant

[Signature]

Date

12-19-00

12A5-3



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

259579

Application for Pesticide - Section I

1. Company/Product Number 71920-1	2. EPA Product Manager Dan Peacock	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) BearGuard Bear Deterrent	PM# Insecticide-Rodenticide Branch	
5. Name and Address of Applicant (Include ZIP Code) Guardian Personal Security Products, LLC 21639 N. 14th Avenue Phoenix, AZ 85027 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input checked="" type="checkbox"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION March 18, 1999 MAR 31 1999
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.	
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.	

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____	
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other _____			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Amy Plato Roberts		Title Regulatory Consultant		Telephone No: (include Area Code) (202) 828-8964	
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment both under applicable law.					
2. Signature 		3. Title Regulatory Consultant		6. Date Application Received (Stamped) 	
4. Typed Name Amy Plato Roberts		5. Date March 23, 1999			

DIRECTIONS FOR USE (continued)

APPLICATION DIRECTIONS: (continued)

To arm and apply:

Place forefinger through loop in handle with thumb on curl of safety clip {fig.1}. With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb releasing a 1 second burst of spray {fig.2}. This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

To disarm:

Replace safety clip as illustrated {fig.3}.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID- IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 180°F may cause bursting.

ENVIRONMENTAL HAZARDS: Do not apply directly to water. Do not contaminate water by disposing of unused material.

(without graphics)

BearGuard™

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients:

Capsaicin and related capsaicinoids*2.0%

Inert ingredients..... 98.0%

TOTAL..... 100.0%

*Made from Oleoresin of Capsicum

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120°F or below 32°F.

DISPOSAL: When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE

Guardian Personal Security Products, LLC

21639 N. 14th Ave.

Phoenix, AZ 85027

1-800-527-4434 (602) 582-1070

CHEMICAL EMERGENCY: 1-800-493-9300

EPA Registration No: 71920-1 EPA Est. No: 071920-AZ-001

NET CONTENTS: 7.9 ounces (225g) or 9.2 ounces (260g)

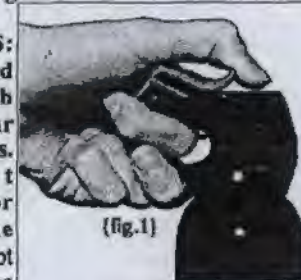
Disclaimer: To the extent allowed by law, Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an on-going research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434 for details.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS:

This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.



{fig.1}



{fig.2}



{fig.3}

This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds [215-g container] 5.4 seconds [260-g container]

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

(DIRECTIONS FOR USE are continued in the next column.)

GUARDIAN
SECURITY PRODUCTS

Phoenix, AZ 85017 1-800-527-4434

MAR 31 1999

DIRECTIONS FOR USE (continued)

APPLICATION DIRECTIONS: (continued)

To arm and apply:

Place forefinger through loop in handle with thumb on curl of safety clip {fig.1}. With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb releasing a 1 second burst of spray {fig.2}. This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

To disarm:

Replace safety clip as illustrated {fig.3}.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

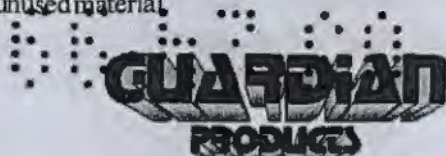
DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID- IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

ENVIRONMENTAL HAZARDS: Do not apply directly to water. Do not contaminate water by disposing of unused material.



Phoenix, AZ 85027 1-800-527-4434

(with graphics)

BearGuard™

DO NOT SEEK OUT ENCOUNTERS WITH BEARS.

THIS PRODUCT IS A BEAR ATTACK DETERRENT

WHICH MAY PROTECT USERS IN SOME

EXPECTED CONFRONTATIONS WITH BEARS.

IT MAY NOT BE EFFECTIVE IN ALL SITUATIONS.

DO NOT ATTEMPT TO PREVENT ALL INJURIES. READ THIS ENTIRE LABEL

BEFORE TAKING THIS PRODUCT INTO AREAS

WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN

DANGER

Strong irritant to nose and skin. Wash thoroughly with soap and water after handling. See Statement for additional precautions.

Active ingredients:

Capsaicin and related capsaicinoids.....2.0%

Inert ingredients.....98.0%

TOTAL.....100.0%

*Made from Oleoresin of Capsicum

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120°F or below 32°F.

DISPOSAL: When container is empty, press valve to release all pressure. Seal and wrap original container in several layers of newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE

Guardian Personal Security Products, LLC

21639 N. 14th Ave.

Phoenix, AZ 85027

1-800-527-4434 (602) 582-1070

CHEMICAL EMERGENCY: 1-800-493-9300

EPA Registration No: 71920-1 EPA Est. No: 071920-AZ-001

NET CONTENTS: 7.9 ounces (225g) or 9.2 ounces (260g)

Disclaimer: To the extent allowed by law, Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an on-going research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434 for details.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS:

This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations to prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.



(fig.1)



(fig.2)



(fig.3)

This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds [225-g container] 5.4 seconds [260-g container]

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

(DIRECTIONS FOR USE are continued in the next column.)

DIRECTIONS FOR USE (continued)

APPLICATION DIRECTIONS: (continued)

To arm and apply:

Place forefinger through loop in handle with thumb on curl of safety clip {fig.1}. With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb releasing a 1 second burst of spray {fig 2}. This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

To disarm:

Replace safety clip as illustrated {fig.3}.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID- IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

ENVIRONMENTAL HAZARDS: Do not apply directly to water. Do not contaminate water by disposing of unused material.



NOTIFICATION PRODUCT

Phoenix, AZ 85017 1-800-527-4434

MAR 31 1999

(without graphics)

BearGuard™

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients:

Capsaicin and related capsaicinoids*.....2.0%

Inert ingredients..... 98.0%

TOTAL..... 100.0%

*Made from Oleoresin of Capsicum

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120°F or below 32°F.

DISPOSAL: When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE

Guardian Personal Security Products, LLC

21639 N. 14th Ave.

Phoenix, AZ 85027

1-800-527-4434 (602) 582-1070

CHEMICAL EMERGENCY: 1-800-493-9300

EPA Registration No: 71920-1 EPA Est. No: 071920-AZ-001

NET CONTENTS: 7.9 ounces (225g) or 9.2 ounces (260g)

Disclaimer: To the extent allowed by law, Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an on-going research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434 for details.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS:

This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.



{fig.1}



{fig.2}



{fig.3}

This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds [225-g container] 5.4 seconds [260-g container]

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

(DIRECTIONS FOR USE are continued in the next column.)

MAR 31 1999

DIRECTIONS FOR USE (continued)

APPLICATION DIRECTIONS: (continued)

To arm and apply:

Place forefinger through loop in handle with thumb on curl of safety clip {fig.1}. With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb releasing a 1 second burst of spray {fig 2}. This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

To disarm:

Replace safety clip as illustrated {fig. 3}.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

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IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

ENVIRONMENTAL HAZARDS: Do not apply directly to water. Do not contaminate water by disposing of unused material.

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME SELECTED CONFRONTATIONS WITH BEARS. IT IS NOT BE EFFECTIVE IN ALL SITUATIONS. IT DOES NOT PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN
DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Statement for additional precautions.

Active Ingredients:

Capsaicin and related capsaicinoids.....2.0%

Inert ingredients.....98.0%

TOTAL.....100.0%

*Made from Oleoresin of Capsicum

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE

INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120°F or below 32°F.

DISPOSAL: When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE

Guardian Personal Security Products, LLC

21639 N. 14th Ave.

Phoenix, AZ 85027

1-800-527-4434 (602) 582-1070

CHEMICAL EMERGENCY: 1-800-493-9300

EPA Registration No: 71920-1 EPA Est. No: 071920-AZ-001

NET CONTENTS: 7.9 ounces (225g) or 9.2 ounces (260g)

Disclaimer: To the extent allowed by law, Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an on-going research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434 for details.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS:

This product may be used only to deter bears which are attacking or appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations to prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

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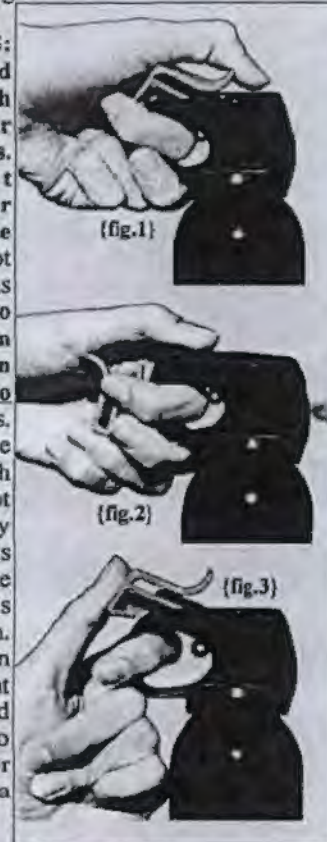
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This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds [225-g container] 5.4 seconds [260-g container]

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

(DIRECTIONS FOR USE are continued in the next column.)



Phoenix, AZ 85027 1-800-527-4434

United States



Environmental Protection Agency

Office of Pesticide Programs (7505C)

Washington, DC 20460

247429

COPY

Notice of Supplemental Distribution of a Registered Pesticide Product

Instructions

After a registrant has obtained final registration for the basic product, the registrant may then supplementally distribute his/her product. One form must be submitted for each distributor product and must be signed by the distributor involved. The basic registration number and the distributor company number must be shown.

If a registrant has a potential distributor who does not have a company number assigned, she/he should have the distributor apply, on letterhead stationery, to the Registration Division to have a number assigned prior to submitting this form to the agency.

This Notice of Supplemental Distribution must be submitted by the basic registrant. The completed form must have the concurrence and signature of both the registrant and the distributor.

EPA Registration Number of Product

3 71920-1 8 12A/5/1

Distributor Company Number

73144 8

Note: Do not submit distributor product labels

Name of Registered Product (basic product name accepted by EPA)

BearGuard Bear Deterrent

Distributor Product Name

Alaska Backpacker

Name and Address of Distributor (Type; include ZIP code)

V.F. Grace, Inc.
605 E. 13th
Anchorage, AK 99501

Read All Conditions Before Signing

1. The distributor product must have the same composition as the basic product.
2. The distributor product must be manufactured and packaged by the same person who manufactures and packages the registered basic product.
3. The labeling for the distributor product must bear the same claims as the basic product, provided, however, that specific claims may be deleted if by doing so, no other changes to the label are necessary.
4. The product must remain in the manufacturer's unbroken container.
5. The label must bear the EPA registration number of the basic product, followed by a hyphen and the distributor's company number.
6. Distributor product labels must bear the name and address of the distributor qualified by such terms as "packed for...", "distributed by..."; or "sold by..." to show that the name is not that of the manufacturer.
7. All conditions of the basic registration apply equally to distributor products. It is the responsibility of the basic registrant to see that all distributor labeling is kept in compliance with requirements placed on the basic product.

Distributor

We intend to market our product under the Distributor Product Name specified above, subject to the conditions specified on this Notice.

Signature and Title of Distributor

[Signature] V.F. GRACE, INC
SPORTING GOODS MGR

Date

3/10/00

Registrant

I agree that the distributor named above may distribute and sell the Distributor Product specified above, subject to the conditions specified on this Notice.

Signature and Title of Registrant

[Signature] Amy Plato Roberts
Regulatory Agent

Date

3/20/00

APPLICATION DIRECTIONS: (continued)

To aim and apply:

Place forefinger through loop in handle with thumb on curl of safety clip (Fig. 1). With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb releasing a 1 second burst of spray (Fig. 2). This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

To disarm:

Replace safety clip as illustrated (Fig. 3)

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals
DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID - IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.

ENVIRONMENTAL HAZARDS: Do not apply directly to water. Do not contaminate water by disposing of unused material.



DIRECTIONS FOR USE (continued)

APPLICATION DIRECTIONS: (continued)

To aim and apply:

Place forefinger through loop in handle with thumb on curl of safety clip (Fig. 1). With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb releasing a 1 second burst of spray (Fig. 2). This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

To disarm:

Replace safety clip as illustrated (Fig. 3)

PRECAUTIONARY STATEMENTS

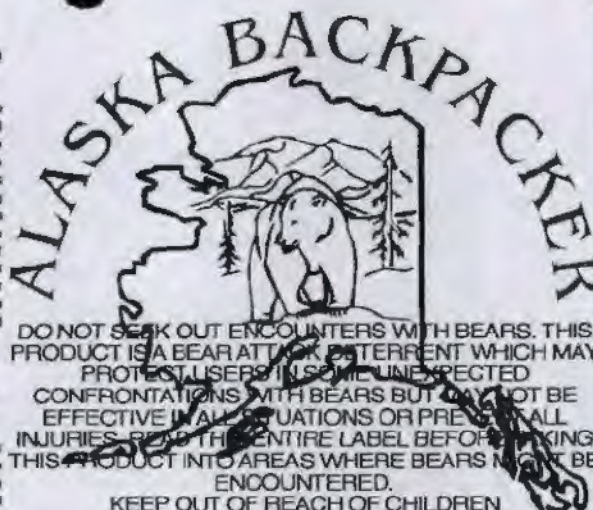
Hazards to Humans and Domestic Animals
DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID - IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.

ENVIRONMENTAL HAZARDS: Do not apply directly to water. Do not contaminate water by disposing of unused material.



DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ THE ENTIRE LABEL BEFORE USING THIS PRODUCT INTO AREAS WHERE BEARS MAY BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN

DANGER

Strong irritant to eyes, nose, and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients: Capsaicin and related capsaicinoids* 2.0%
Inert Ingredients 98.0%
TOTAL 100.0%
*Made from Oleoresin of Capsicum

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS.

Do not store in places where the temperature is above 120° F or below 32° F.

DISPOSAL: When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE

DISTRIBUTED BY

V.F. GRACE, INC.

605 E. 19TH

ANCHORAGE, AK 99501

CHEMICAL EMERGENCY: 1-800-483-8300

EPA Registration No. 71920-1-73144

EPA Est. No. 71920-AZ-001

Net Contents: 7.9 ounces (225g)

Disclaimer: To the extent allowed by law, Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an ongoing research project, Guardian Security Products needs your true account of ALASKA BACKPACKER use against bear attacks. Please call 1-800-527-4434 for details.



DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ THE ENTIRE LABEL BEFORE USING THIS PRODUCT INTO AREAS WHERE BEARS MAY BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN

DANGER

Strong irritant to eyes, nose, and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients: Capsaicin and related capsaicinoids* 2.0%
Inert Ingredients 98.0%
TOTAL 100.0%
*Made from Oleoresin of Capsicum

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS.

Do not store in places where the temperature is above 120° F or below 32° F.

DISPOSAL: When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE

DISTRIBUTED BY

V.F. GRACE, INC.

605 E. 19TH

ANCHORAGE, AK 99501

CHEMICAL EMERGENCY: 1-800-483-8300

EPA Registration No. 71920-1-73144

EPA Est. No. 71920-AZ-001

Net Contents: 9.2 ounces (260g)

Disclaimer: To the extent allowed by law, Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an ongoing research project, Guardian Security Products needs your true account of ALASKA BACKPACKER use against bear attacks. Please call 1-800-527-4434 for details.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth, and lungs. Individuals who suffer from asthma or emphysema may have a severe reaction.



This product has a range of up to 30 feet (9 meters.) This canister empties completely in approximately 4 seconds (225-g container).

APPLICATION DIRECTIONS: Special procedures must be followed to aim the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire ALASKA BACKPACKER in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a half second. After test-firing clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

(DIRECTIONS FOR USE are continued in the next column.)

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth, and lungs. Individuals who suffer from asthma or emphysema may have a severe reaction.



This product has a range of up to 30 feet (9 meters.) This canister empties completely in approximately 5.4 seconds (260-g container).

APPLICATION DIRECTIONS: Special procedures must be followed to aim the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire ALASKA BACKPACKER in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a half second. After test-firing clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

(DIRECTIONS FOR USE are continued in the next column.)

October 31, 2000

Guardian Personal Security Products, Inc.
c/o Technology Sciences Group, Inc.
1101 17th Street, NW
Washington, DC 20036

360/38 5-58 7400

Attention: Ms. Amy Plato Roberts

Subject Review of Literature Circulated by Universal Defense Alternative Products
UDAP Pepper Power
EPA Distributor Registration No. 71920-1-72007

Review UDAP items We recently have become aware of the following items which apparently have been circulated by your subregistrant Universal Defense Alternative Products (UDAP):

- a figure labeled "EPA Certified Bear Deterrents Comparison" plus related text;
- a letter of "02/17/2000" from Mark Matheny ("President, UDAP Industries", Bozeman, MT) to a Steve Fry of Glacier National Park, West Glacier, MT; and
- a page captioned "**BEAR DETERRENT PEPPER SPRAY ACTIVE INGREDIENT FACT SHEET**".

We find all of these documents to contain statements that are false, misleading, or otherwise objectionable for the reasons summarized below.

Review of figure The figure under the caption "EPA Certified Bear Deterrents Comparison" is a graph on which active ingredient strength is inappropriately plotted as a function of "Bear Spray Distances". With a 30' spray distance claim and about 2% total active ingredients, this specious illustration (spray distance and capsaicinoid content being unrelated entities) depicts "UDAP" as being apparently superior to "Counter Assault" (30' and 1.7%) as well as "Guard Alaska" (20' and 1.3+%).

EPA-
Ltr
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2000

Review of
figure-
continued

A line of text located directly under the graph reads

CRC - "Capsaicin and related capsaicinoids" are the chemical components of peppers that make them hot!

From this statement and the figure above it, the reader apparently is to infer that "UDAP" is the hottest and, therefore, the best bear deterrent. There is no evidence that the latter is the case, and we have seen nothing but testimonial information pertaining to the alleged effectiveness in deterring bears of the three products in the BearGuard group.

The graph is claimed to summarize "U.S. EPA effectiveness data and product chemistry". While we class spray characteristics information as efficacy data, we do not consider results of such studies as conclusive regarding product effectiveness against bears.

Matheny to
Fry letter

The Matheny-to-Fry letter asserts that UDAP offers

the *hottest* EPA Certified Bear Deterrents on the market for 2000.

This statement would not seem to be true because the BearGuard and Bear Peppermace products are supposed to be identical to UDAP Pepper Power and, therefore, supposed to be just as hot. EPA accepts products for registration but does not "certify" them.

Later the letter states that UDAP is "dedicated to producin Later the letter states that UDAP is "dedicated to producing the best products that we can." According to the only label that we have seen for the UDAP bear spray, you make the product for them.

Fact sheet

The "FACT SHEET" describes the UDAP product as having "the hottest formula made for a registered bear spray", one which provides

about 3 Million Scoville Heat Units (SHU's) of stopping power.

**Fact sheet-
continued**

The "**FACT SHEET**" goes on to state that the percent of Oleoresin Capsicum (OC) is not a reliable indicator of hotness but that the percent of Capsaicin and related capsaicinoids ("CRC") is. Actually, hotness depends on the relative representation of the various capsaicinoids in mixture. The "**FACT SHEET**" states that UDAP's bear pepper spray and self-defense (anti-human) sprays both used to be ("in the years preceding 1999") 10% OC and 1.34% CRC. Now the UDAP bear spray is claimed to be 2% CRC but still 10% OC. That is theoretically possible, but is possibly not true for UDAP's products. We also categorically object to any promotional materials which allude to what allegedly went on prior to EPA registration.

The "**FACT SHEET**" claims that SHU's

measure the amount of capsaicin (the chemical that provides the heat) in a pepper.

We understand the Scoville heat unit to be a unit of subjective hotness, with one SHU being the lowest concentration of Capsaicin that is subjectively described as being "pungent". The preparation being evaluated for hotness need not have any Capsaicin in it at all to be rated using the Scoville system.

The "**FACT SHEET**" includes the following paragraph:

We have chosen the above balances of CRCs and propellant for a **sophisticated dispersal system** in our sprays to get the active ingredient out with the sudden loud hissing sound creating a billowing pepper cloud that is slow to dissipate, making it a more effective means of stopping an attack. We also utilize the most advanced technologies and products in producing both the Bear Deterrents and our Human Attack Deterrents, in order to generate quality products that consumers can feel secure in using.

In addition to implying that UDAP's products are superior to others, this paragraph implies (to one who knows the product's registration status) that UDAP came up with the formula for BearGuard and that UDAP makes its own bear pepper spray. Again, the only label that we have seen for UDAP Pepper Power as a distributor product indicates that the product is made at a Security Products facility in Arizona rather than at a UDAP facility on Montana.

**Fact sheet-
continued**

In its definition of "PROPELLANT", the "FACT SHEET" claims that the UDAP's chosen propellant disperses the formulations of "UDAP Industries' products" in a way that is "safe and effective". Safety claims may not be made on pesticide labels. Claims not permissible for labels should not be used in product promotions.

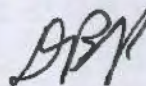
**Request to
notify
distributor**

Enclosed are copies of the literature discussed above. Please share a copy of these materials and our review with your distributor, UDAP. As the basic registrant, you are responsible for insuring that your distributor is informed about compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Questions

If you have questions about this letter or further issues about bear deterrents, you can reach me by phone (703-305-5407), fax (703-305-6596), or E-Mail (Peacock.Dan@EPA/gov).

Sincerely,



Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

Letter location

C:\dpeacock\Dan Peacock\Bear-Deterrent\71920-1, comments on UDAP material.wpdOctober 31, 2000

IRB BRANCH REVIEW - TSS

Record Number(s)

D267810

D268948

Extra Copy

To be filed

with 71920-1

8/1/00

9/14/00

IN OUT

EFFICIENCY

FILE OR REG. NO. CORR. 293305

PETITION OR EXP. PERMIT NO.

DATE DIV. RECEIVED 6/20/00

DATE OF SUBMISSION 6/11/00

DATE SUBMISSION ACCEPTED 9/13/00

TYPE PRODUCTS(S): I, D, H, F, N, R, X, S

DATA ACCESSION NO(S) none

PRODUCT MGR. NO. 04

PRODUCT NAME(S) none

COMPANY NAME Center for Wildlife Information

SUBMISSION PURPOSE discuss criteria, advertising for bear deterrents

CHEMICAL & FORMULATION 1.3-2.0% Capsaicin and other capsaicinoids aerosols

Efficacy Review: Bartlebaugh Memo (11/15/99), CORR. #292404
Center for Wildlife Information (CWI)
Missoula, MT 59807

200.0 INTRODUCTION

200.1 Uses

Capsaicin-containing aerosols being sold as bear repellents

200.2 Background Information

See reviews of 11/22/99 (CORR. #292404) and 3/30/00 (CORR #292749, Promotional material for UDAP Pepper Power), as well as other reviews of comments on performance requirements, labeling, and advertising for bear pepper sprays.

I have been asked to comment on a letter of 6/11/00 from Chuck Bartlebaugh of the CWI to Daniel Peacock of IRB and on attachments to that letter. In his letter of 6/11/00, Bartlebaugh refers to letters of 4/27/00 and 6/5/00 from Mr. Peacock.

201.0 DATA SUMMARY

Most of Bartlebaugh's letter of 6/11/00 is devoted to his explaining positions take in prior correspondence (upon which EPA has commented). These positions pertain to active-ingredient strength in bear pepper sprays, performance characteristics, the minimum amount of material needed in a bear spray container, the issue of to what extent residue from bear peppers sprays might be attractive to bears, and the content of certain published materials that have been used to promote specific products.

Regarding active-ingredient strength, Bartlebaugh defends his proposal of a 1.3-2% (total capsaicinoid) concentration because the lower limit might keep "personal defense spray companies" from touting their products "as being the same as bear pepper spray" and the upper limit

would help keep manufacturers from waging a "who has the hottest" marketing war.

While I consider those objectives to be appropriate, I am not sure whether the particular limits indicated are necessarily the right ones to use. It seems clear enough that the capsaicinoid level should not be too low to do the intended job (deter bears) or much higher than is needed to deter bears. Too high a capsaicinoid level could cause respiratory arrest for bears, and perhaps applicators, under certain conditions. Although Bartlebaugh alludes to

research conducted in the 1980's by Charles Jonkel and his students, my recollection of that research was that it was not as definitive as some have claimed subsequently. Carrie Hunt's final report on that research was provided to EPA in 1993 in conjunction with a \$18 request, but that document is no longer on file with the unit which now handles emergency exemptions.

Bartlebaugh defends his recommendation "of a 25-foot spray distance" because he feels that it "gives the bear the opportunity to divert its charge." Again, I feel that a minimum spray distance should be specified but am not aware of any data indicating 25' to be the appropriate minimum. In the accounts and videotaped trials with which I am familiar, the bears generally were much closer to the human than 25'.

Bartlebaugh argues for a minimum container evacuation time of six second, which gives reserve for the hike out, when confronting a mother bear with mature cubs, or for a highly agitated or aggressive bear.

He also recommends that containers of bear pepper sprays should hold at least 8 oz of formulation and that

hikers or bear management personnel carry two cans of EPA registered bear spray.

It seems reasonable to that having more product and/or more available spraying time would potentially offer more protection from bears, but it is not clear that the numbers proposed are the right ones. We have set 8 oz as the minimum content of a bear pepper spray container. However, we have registered one product (BearGuard, 71920-1) which has a 4-sec evacuation time, and that product has two subregistrations: UDAP Pepper Power (71920-1-72007) and Bear Peppermace (71920-1-61311). The evacuation times for those 3 versions of 71920-1 all were confirmed to be 4 sec in tests recently reported in Backpacker magazine.

I should note at this point that the specification that Bartlebaugh proposes would, if adopted, eliminate all of the competition for the Counter Assault bear pepper spray product (55541-2). The 1.3% active ingredient minimum would eliminate Bear Pause (71768-1), which currently is under a stop-sale order because its registrant lied about the identity of the active ingredient. The 25' spray distance minimum would eliminate the Guard Alaska product

(71545-1), for which an 18-20' range is claimed. The 6-sec minimum evacuation time would eliminate the BearGuard group (71920-1, 4-sec minimum) and the newly registered Frontiersman bear spray (72265-1, 5-sec minimum).

Bartlebaugh has told me of his personal preference for Counter Assault, and I got the impression that personal relationships might be a factor in that preference. This situation underscores the importance of obtaining data to support performance criteria. The special circumstances associated with initial registration of bear pepper sprays made it impossible to obtain such confirmatory data before the products were registered. Consequently, we have accepted labels which indicate what products have been shown to do, with container volume being the only firm minimum.

The active ingredient range covered by registered products now available is in the neighborhood of Bartlebaugh's proposal. As for range and evacuation time, I am not sure what to do. The BearGuard product has the most range and the shortest evacuation time. If diverting a bear at 30-35' is safest for the user, that might be the best product. For such a product, the advice to carry two cans might be more important than for others because of the short evacuation time for BearGuard.

Until the Backpacker article came out, I thought that the differences among products in evacuation times might be more apparent than real because it was clear from its registrant's videotape of the testing that the BearGuard data were based upon the time from the onset of firing until the spray volume began to wane, rather than the (inevitably longer) time from onset to cessation of hissing. With the Backpacker report confirming the evacuation times claimed on labels, I am more inclined to believe that variations in the numbers reported represent true differences among products.

On the issue of whether pepper-spray residues attract bears, Bartlebaugh observes that people who venture into bear country are warned about all sorts of scents (including oil-based materials), sounds, and objects that might attract bears, and adds

When dealing with bear pepper spray, it is important not to use it as a repellent by spraying your tent, backpack, or personnel.

It seems as though the arguments advanced in the study published by Tom Smith of the U.S. Geological Survey in

1998 are becoming accepted now, after there were vociferous objections to them early in 1999. Bartlebaugh's sentiments regarding not spraying people or campsite articles already are reflected in the use directions sections on labels of bear pepper sprays registered in the U.S.

The attachments to Bartlebaugh's letter of 6/11/00 include:

1. a small fold-over label which provides some information about the CWI and its "Grizzly Bear Conservation, Education, & Wildlife Stewardship Campaign";
2. a figure labeled **"EPA Certified Bear Deterrents Comparison"** plus related text;
3. a letter of "02/17/2000" from Mark Matheny ("President, UDAP Industries", Bozeman, MT) to a Steve Fry of Glacier National Park, West Glacier, MT; and
4. a page captioned **"BEAR DETERRENT PEPPER SPRAY ACTIVE INGREDIENT FACT SHEET"**.

The fold-over label is largely irrelevant to the issues raised in Bartlebaugh's letter of 6/11/00. The thrust of that label is that the CWI is a responsible outfit that is interested in the coexistence of grizzly bears and humans.

The **"EPA Certified Bear Deterrents Comparison"** page may have been circulated along with the letter to Fry and the alleged **"FACT SHEET"** as means for promoting UDAP's version of the BearGuard product. The figure under the caption **"EPA Certified Bear Deterrents Comparison"** is a graph on which active ingredient strength is inappropriately plotted as a function of **"Bear Spray Distances"**. With a 30' spray distance claim and about 2% total active ingredients, this specious illustration (spray distance and capsaicinoid content being unrelated entities) depicts **"UDAP"** as being apparently superior to **"Counter Assault"** (30' and 1.7%) as well as **"Guard Alaska"** (20' and 1.3+%).

A line of text located directly under the graph reads

CRC - **"Capsaicin and related capsaicinoids"** are the chemical components of peppers that make them hot!

From this statement and the figure above it, the reader apparently is to infer that **"UDAP"** is the hottest (ergo the best) stuff around. Anyone who looks at the two other UDAP

items provided by Bartlebaugh could not possibly escape such an inference.

The graph is claimed to summarize "U.S. EPA effectiveness data and product chemistry".

Below the graph is additional text which claims that "Bear sprays confer three advantages for the user". Those advantages are claimed to include: giving the user "a reason not to run", standing one's ground being better than trying to run away from a bear; startling the bear with the noise and spray cloud coming from the product's container; and irritating the bear via the sensory properties of "red pepper extract". I have no reasons to dispute any of these representations.

The Matheny-to-Fry letter asserts that UDAP offers

the **hottest EPA Certified Bear Deterrents** on the market for 2000.

This statement would not seem to be true because the BearGuard and Bear Peppermace products are supposed to be identical to UDAP Pepper Power and, therefore, supposed to be just as hot. EPA accepts products for registration but does not "certify" them. Later the letter states that UDAP is "dedicated to producing the best products that we can" - a surprising statement for a distributor to make.

The "**FACT SHEET**" describes the UDAP product as having "**the hottest formula made for a registered bear spray**", one which provides

about 3 Million Scoville Heat Units (SHU's) of stopping power.

The "**FACT SHEET**" goes on to state that the percent of Oleoresin Capsicum (OC) is not a reliable indicator of hotness but that the percent of Capsaicin and related capsaicinoids ("CRC") is. Actually, hotness depends on the relative representation of the various capsaicinoids in mixture. The "**FACT SHEET**" states that UDAP's bear pepper spray and self-defense (anti-human) sprays both used to be ("in the years preceding 1999", BearGuard being registered in March of 1999) 10% OC and 1.34% CRC. Now the bear spray is claimed to be 2% CRC but still 10% OC. That is theoretically possible, but is possibly not true for UDAP's products. I am categorically opposed to any promotional material which alludes to what allegedly went on in the era of illegal marketing.

The "**FACT SHEET**" claims that SHU's

measure the amount of capsaicin (the chemical that provides the heat) in a pepper.

My understanding is that the number of Scoville heat units in a preparation is the ratio of its subjective hotness to the lowest concentration of Capsaicin that is subjectively described as being "pungent". The preparation being evaluated for hotness need not have any Capsaicin in it at all to be rated using the Scoville system.

The "**FACT SHEET**" includes the following paragraph:

We have chosen the above balances of CRCs and propellant for a **sophisticated dispersal system** in our sprays to get the active ingredient out with the sudden loud hissing sound creating a billowing pepper cloud that is slow to dissipate, making it a more effective means of stopping an attack. We also utilize the most advanced technologies and products in producing both the Bear Deterrents and our Human Attack Deterrents, in order to generate quality products that consumers can feel secure in using.

In addition to claiming UDAP's products to be superior to others, this paragraph implies (to one who knows the product's registration status) that UDAP came up with the formula for BearGuard and that UDAP makes its own bear pepper spray. The only label that I have seen for UDAP Pepper Power as a distributor product indicates that the product is made at a Security Products facility in Arizona rather than at a UDAP facility on Montana. The inferences that might be drawn from the "**FACT SHEET**" and the differences among the various versions of the BearGuard family in spray distance tests reported in Backpacker magazine raise the possibility that UDAP Pepper Power is not made by Security and is not identical to 71920-1.

In its definition of "**PROPELLANT**", the "**FACT SHEET**" claims that the UDAP's chosen propellant disperses the formulations of "UDAP Industries' products" in a way that is "safe and effective". Safety claims may not be made on pesticide labels. Claims not permissible for labels should not be used in product promotions.

The UDAP items are objectionable, as most advertising and unannounced labeling that I have seen for bear pepper sprays have also turned out to be.

202.0 CONCLUSIONS

Response to Bartlebaugh

We have noted your comments regarding proposed composition and performance standards for bear pepper sprays. In concept, we agree with the notions of optimal active-ingredient concentrations and minimum specifications for container capacity, effective spraying distance, container evacuation times. At this point, we are not sure whether all of the ranges and cut-off points that you suggest would be appropriate, much less optimal.

It seems clear enough that a pepper spray formulation could be too weak to deter bears or strong in excess of the level that is needed to deter bears, perhaps becoming very hazardous to users. While we are "comfortable" with a 1.3-2.0% total capsaicinoid content, we are not fully confident that this range is optimal. A product that is less than 1.3% total capsaicinoids but with most of that fraction consisting of Capsaicin might work just as well as a 1.7% total capsaicinoid product with less than half of its capsaicinoid fraction being Capsaicin.

We are not aware of any body of data which clearly indicates at what distances from charging bears pepper sprays become effective. Most of what we have seen regarding the use of these products against bears has involved firing distances below those claimed as minimum ranges for any of the products currently registered. If you are aware of any studies which address this subject, we would like to have the opportunity to review them.

We have adopted approximately eight ounces as the minimum container size to be used for bear pepper sprays registered in the U.S. This figure was based on discussions with various people, including yourself, and with the results of spray evacuation tests. Your recommendation to carry more than one container of bear pepper spray makes sense to us. If a person were carrying more than one can, that one product's container empties more quickly than another's might not be such a disadvantage, especially if the more quickly emptied container delivered material faster and perhaps at a greater distance than other one. Additional research in these areas is needed.

We note that only one registered bear deterrent product currently meets all of your proposed criteria. Without data showing your proposed criteria to be not only optimal but also necessary, we would be unlikely to move to adopt all of them.

Labels for registered bear repellents tell users not to treat their clothing or campsite articles with pepper spray. That text might be sufficient to discourage such applications without mentioning the potential problem of attracting bears to treated substrates. As you may recall, we caused quite a stir early in 1999 by taking the position that label text should indicate that treated articles might attract bears in some case.

We have looked at the UDAP materials that you have provided and have found certain representations in them to be false, misleading, and/or questionable. We will communicate with the registrant about those materials.

Response to Security regarding UDAP's advertising

We recently have become aware of the following items which apparently have been circulated by your subregistrant Universal Defense Alternative Products (UDAP):

- a figure labeled **"EPA Certified Bear Deterrents Comparison"** plus related text;
- a letter of "02/17/2000" from Mark Matheny ("President, UDAP Industries", Bozeman, MT) to a Steve Fry of Glacier National Park, West Glacier, MT; and
- a page captioned **"BEAR DETERRENT PEPPER SPRAY ACTIVE INGREDIENT FACT SHEET"**.

We find all of these documents to contain statements that are false, misleading, or otherwise objectionable.

The figure under the caption **"EPA Certified Bear Deterrents Comparison"** is a graph on which active ingredient strength is inappropriately plotted as a function of **"Bear Spray Distances"**. With a 30' spray distance claim and about 2% total active ingredients, this specious illustration (spray distance and capsaicinoid content being unrelated entities) depicts **"UDAP"** as being apparently superior to **"Counter Assault"** (30' and 1.7%) as well as **"Guard Alaska"** (20' and 1.3+%).

A line of text located directly under the graph reads

CRC - "Capsaicin and related capsaicinoids" are the chemical components of peppers that make them hot!

From this statement and the figure above it, the reader apparently is to infer that "UDAP" is the hottest and, therefore, the best bear deterrent. There is no evidence that the latter is the case, and we have seen nothing but testimonial information pertaining to the alleged effectiveness in deterring bears of the three products in the BearGuard group.

The graph is claimed to summarize "U.S. EPA effectiveness data and product chemistry". While we class spray characteristics information as efficacy data, we do not consider results of such studies as conclusive regarding product effectiveness against bears.

The Matheny-to-Fry letter asserts that UDAP offers

the **hottest EPA Certified Bear Deterrents** on the market for 2000.

This statement would not seem to be true because the BearGuard and Bear Peppermace products are supposed to be identical to UDAP Pepper Power and, therefore, supposed to be just as hot. EPA accepts products for registration but does not "certify" them.

Later the letter states that UDAP is "dedicated to producing the best products that we can." According to the only label that we have seen for the UDAP bear spray, you make the product for them..

The "**FACT SHEET**" describes the UDAP product as having "**the hottest formula made for a registered bear spray**", one which provides

about 3 Million Scoville Heat Units (SHU's) of stopping power.

The "**FACT SHEET**" goes on to state that the percent of Oleoresin Capsicum (OC) is not a reliable indicator of hotness but that the percent of Capsaicin and related capsaicinoids ("CRC") is. Actually, hotness depends on the relative representation of the various capsaicinoids in mixture. The "**FACT SHEET**" states that UDAP's bear pepper spray and self-defense (anti-human) sprays both used to be ("in the years preceding 1999") 10% OC and 1.34% CRC. Now the UDAP bear spray is claimed to be 2% CRC but still 10% OC. That is theoretically possible, but is possibly not true for UDAP's products. We also categorically object to any promotional materials which allude to what allegedly went on prior to EPA registration.

The "**FACT SHEET**" claims that SHU's

measure the amount of capsaicin (the chemical that provides the heat) in a pepper.

We understand the Scoville heat unit to be a unit of subjective hotness, with one SHU being the lowest concentration of Capsaicin that is subjectively described as being "pungent". The preparation being evaluated for hotness need not have any Capsaicin in it at all to be rated using the Scoville system.

The "**FACT SHEET**" includes the following paragraph:

We have chosen the above balances of CRCs and propellant for a **sophisticated dispersal system** in our sprays to get the active ingredient out with the sudden loud hissing sound creating a billowing pepper cloud that is slow to dissipate, making it a more effective means of stopping an attack. We also utilize the most advanced technologies and products in producing both the Bear Deterrents and our Human Attack Deterrents, in order to generate quality products that consumers can feel secure in using.

In addition to implying that UDAP's products are superior to others, this paragraph implies (to one who knows the product's registration status) that UDAP came up with the formula for BearGuard and that UDAP makes its own bear pepper spray. Again, the only label that we have seen for UDAP Pepper Power as a distributor product indicates that the product is made at a Security Products facility in Arizona rather than at a UDAP facility on Montana.

In its definition of "**PROPELLANT**", the "**FACT SHEET**" claims that the UDAP's chosen propellant disperses the formulations of "UDAP Industries' products" in a way that is "safe and effective". Safety claims may not be made on pesticide labels. Claims not permissible for labels should not be used in product promotions.

William W. Jacobs
Biologist
Insecticide-Rodenticide Branch
September 14, 2000

DP BARCODE: D267810

10783

CASE: 293305
SUBMISSION: S583249

DATA PACKAGE RECORD
BEAN SHEET

DATE: 08/01/00
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: MISCELLANEOUS ACTION: 350 GENRL CORRES REGISTRATION
RANKING : 5 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 0.0000%

ID#: 293305

COMPANY:

PRODUCT MANAGER: 04 TINA LEVINE 703-308-7055 ROOM: CM2 219

PM TEAM REVIEWER: DANIEL PEACOCK 703-305-5407 ROOM: CM2 221

RECEIVED DATE: 06/20/00 DUE OUT DATE: 10/08/00

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 267810 EXPEDITE: N DATE SENT: 08/01/00 DATE RET.: / /
CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)
DP TYPE: 001

ASSIGNED TO	CSF: N	DATE IN	LABEL: N	DATE OUT	ADMIN DUE DATE: 10/10/00
DIV : RD		/ /		/ /	NEGOT DATE: 10/10/00
BRAN: IRB		/ /		/ /	PROJ DATE: / /
SECT: PMO + Chem		/ /		/ /	
REVR: <i>Wj</i>		9/13/		/ /	
CONTR:		/ /		/ /	

* * * DATA REVIEW INSTRUCTIONS * * *

Bill,

Here are some more thoughts from Chuck Bartlebaugh about bear repellents. I think that it is positive that we have this constructive dialogue going on between his organization and EPA.

Dan Peacock

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL
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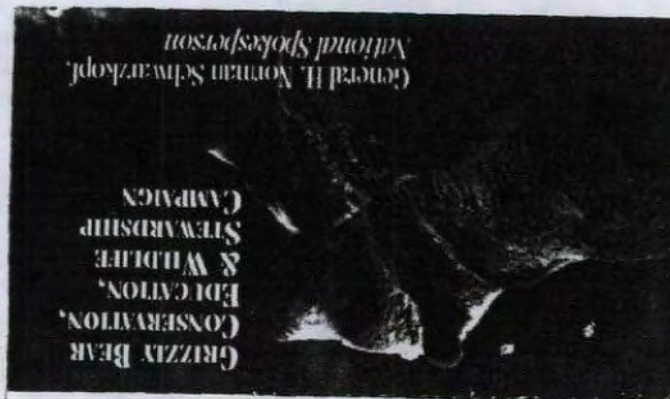
Note: I have previous 2 ltrs if you need.

The Center for Wildlife Information, in partnership with the Interagency Grizzly Bear Committee, produces educational materials and programs about bears and wildlife stewardship to inform the next generation about how to safely and responsibly enjoy our wildlife treasures, especially bears.

CHUCK BARTLEBAUGH
Executive Director

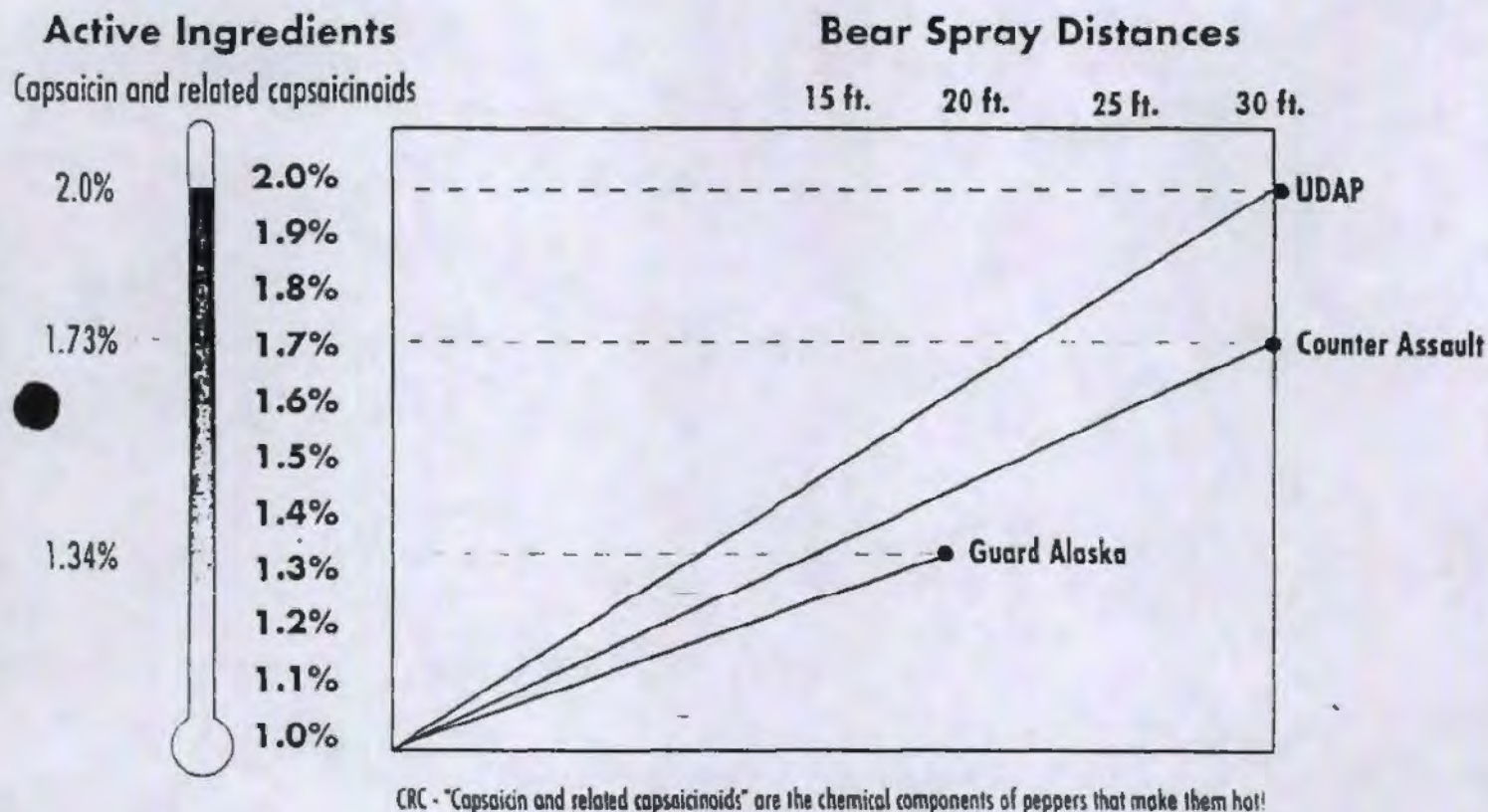
Center for Wildlife Information

P.O. Box 8289, Missoula, MT 59807
Phone (406)523-7750
email: bearinfo@bigsky.net



The Center for Wildlife Information provides teaching kits, * coloring books, posters, brochures, videos and other education materials. These materials are provided as *gifts in the spirit of the great bear*. For a complete list of material and programs available, write to contact us at our e-mail address, bearinfo@bigsky.net

EPA Certified Bear Deterrents Comparison



The above comparison chart is the result of U.S. EPA effectiveness data and product chemistry

How does it work? As I see it, Bear sprays confer three advantages for the user:

- 1) They provide the person with a reason not to run, a behavior which bears will reward by chasing and attacking. Not running and holding your ground conveys a message that bears recognize, that of a co-dominant unwilling to yield. That gives them pause and buys you time.
- 2) The sudden and loud hissing of the spray and billowing cloud startles bears...this I have seen. This is caused by the pressure of approx. 96 lbs. at 77 F, making sound and sight that is surprising. They halt and again this buys you a bit of time (at least for those encounters where you have some space between you).
- 3) The red pepper extract is clearly a strong irritant, as observed with penned and wild bears that have been sprayed. Dr. Herrero, myself, and many others have seen bears sprayed directly with Bear spray and they cough, wheeze, paw their eyes and nose wildly... it does create considerable discomfort in them. Having the effect of stopping the behavior that the bear was displaying immediately prior to being sprayed.

02/17/2000

Glacier Nat. Park
Attn. Steve Fry
West Glacier MT. 59936

Universal Defense Alternative Products

13160 Yonder Road
Bozeman, MT
59718



Dear Steve,

We are happy to continue to offer the hottest EPA Certified Bear Deterrents on the market for 2000. Our Bear Sprays are rated at 2.0% CRC's (Capsaicin and Related Capsaicinoids), which is the highest concentration that the EPA will allow. As you probably know, bear pepper sprays are no longer rated according to OC (Oleoresin Capsicum). There is a new more accurate means of testing the actual hotness of the spray, by assessing the chemical content within the OC. All of these changes have made it difficult for some to know what the differences are between the bear deterrents on the market, so we have enclosed some factual information to help you decipher what makes UDAP stand apart from other sprays.

As always, we are dedicated to producing the best products that we can, and we strive to keep people informed and educated on bear behavior and safety in bear country. Just as your profession allows you to conserve our lands, habitats, and wildlife, we are concerned with providing a product that will protect, and possibly save, the lives of both humans and animals.

If you have any questions, comments, or would like to place an order with us, please call 406-763-4242. You may also visit our website at www.udap.com for further information and testimonials.

Thank you for your time and consideration.

Best Regards,

Mark Matheny
President, UDAP Industries

www.udap.com

ph 406-763-4242
fax 406-763-5052



BEAR DETERRENT

PEPPER SPRAY ACTIVE INGREDIENT FACT SHEET

Our Bear Deterrent's active ingredient is measured at 2.0% capsaicin and related capsaicinoids (CRC). This is the hottest formula made for a registered bear spray.

The active ingredients are measured by the actual chemical hotness of the pepper, which is the CRC. UDAP's Bear Deterrent is rated at the maximum that the EPA will allow, which is 2.0%. This produces about 3 Million Scoville Heat Units (SHUs) of stopping power. Our Bear Deterrents are at 10% OC. This 10% is just a measurement of the OC in the can, not the hotness of the spray. The EPA no longer recognizes nor allows labeling and measuring the hotness of bear sprays by OC and SHU ratings. The latest and most accurate means accepted of evaluating true hotness is by testing the amount of CRCs present in a spray. UDAP's Bear Deterrents are again, the hottest, being rated at 2.0% CRCs.

UDAP's Human Attack Deterrent is rated at 1.34% CRC, which is the same rating as our bear sprays were in the years preceding 1999. This produces about 2 Million SHUs of stopping power. Our Human Attack Deterrents are at 10% OC, but again the primary deciding factor of hotness in a pepper spray is the CRC rating. The active chemical in OC is capsaicin and related capsaicinoids (CRC), thus making it the only true determining factor of the active ingredient in pepper spray.

We have chosen the above balances of CRCs and propellant for a sophisticated dispersal system in our sprays to get the active ingredient out with the sudden loud hissing sound creating a billowing pepper cloud that is slow to dissipate, making it a more effective means of stopping an attack. We also utilize the most advanced technologies and products in producing both our Bear Deterrents and our Human Attack Deterrents, in order to generate quality products that consumers can feel secure in using.

DEFINITIONS

CRC - "Capsaicin and related Capsaicinoids" are the chemical components of peppers that make them hot. Measuring by CRC's is a laboratory conducted and very accurate test for gauging hotness.

OC - "Oleoresin Capsicum" is the oil extracted from the pepper that contains within it the capsaicin and related capsaicinoids. It is, basically, a carrying agent for the chemical compounds.

SHU - "Scoville Heat Units" were invented in 1912 by a pharmacist named Wilbur Scoville. These units measure the amount of capsaicin (the chemical that provides the heat) in a pepper. Measuring by SHU's (Scoville Heat Units) is very subjective taste test.

PROPELLANT - The liquid propellant 134A is used in all of UDAP Industries' products to ensure a safe and effective means of discharging the active ingredients in the sprays.

UDAP Industries 13160 Yonder Road Bozeman, MT 59718 406-763-4242 Fax 406-763-5052

www.udap.com



BEAR EDUCATION & WILDLIFE STEWARDSHIP CAMPAIGN
Aerial H. Norman Schwarzkopf, National Spokesperson

CENTER FOR
WILDLIFE
INFORMATION

P.O. Box 8289
Missoula, MT 59807
406-523-7750



June 11, 2000

Dan Peacock
US EPA
Registration Division
410 M Street, SW
Washington DC 20460

293305

Dear Dan,

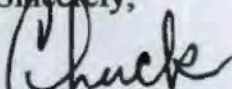
In reference to your April 27 and June 5, 2000 letter, I greatly appreciate your thorough and clear response to me. You and the other people we have worked with at the EPA have always strived to provide me with the most current information as quickly as possible. I would like to clarify some of the questions or statements I have made in the past.

1. We believe the ingredients for bear pepper spray should include capsaicin and all related capsaicinoids. *The reason we believe these should be the only ingredients is that it reflects the research done by Dr. Jonkel which was followed up by bear management specialists in the field over the next ten years. Our suggestion is that the range be from 1.3 to 2 % is because with 1% as the low number, we have ended up with some personal defense spray companies promoting their product as being the same as bear pepper spray. The 2% level on the high side would help keep manufacturers from waging a "who has the hottest" marketing war.*
2. Efficacy Testing: *I am in the process of asking the biologists, outfitters and guides I have been working with to write to you directly about several issues.*
 - 1) *Suggesting guidelines of a 25-foot spray distance, which gives a bear the opportunity to divert its charge.*
 - 2) *A suggested minimum of six second, which gives reserve for the hike out, when confronting a mother bear with mature cubs, or for a highly agitated or aggressive bear*
 - 3) *Bear pepper spray should have a minimum of eight ounces of net contents*
3. Quantity: *Not only are we not recommending quantities smaller than eight ounces, we are recommending that hikers or bear management personnel carry two cans of EPA registered bear spray.*

4. *Bear Pepper Spray as an Attractant: When bear or wildlife management personnel conduct community workshops or internal training, the audience is told that all chemicals, colors, shape of containers, odors, or sounds, can possibly be an attractant. When dealing with bear pepper spray, it is important not to use it as a repellent by spraying your tent, backpack, or personnel. Transmission oil, grease, snowmobile seats, and pontoons on airplanes that have had Fish and Game personnel on them, all have been observed to be an attractant to bears. We highly suggest before recommending less than eight ounces, you speak to the appropriate bear management personnel at Yellowstone, Glacier, and Grand Teton National Parks, or U.S. Forest Service, Fish and Wildlife Service, and the appropriate state agencies in the Northwest.*
5. *I have enclosed a mailer dated 2/17/00 sent out by UDAP to various bear and wildlife management specialists. Is this an appropriate sales promotion mailer? It gives the impression that the EPA has certified that UDAP is the hottest. It also co-mingles 10% and 3 million Scoville heat units. The chart seems to indicate that there is a big difference in quality or severity of hotness between Guard Alaska and UDAP. Once again it seems to co-mingle human attack deterrent with bear pepper spray.*

Once again, thank you for the excellent response to my letters, especially the chart comparing human and bear deterrents. I hope I am helping to establish informed consumers, and not hindering your effort. I am looking forward to hearing from you.

Sincerely,



Chuck Bartlebaugh
Executive Director
Center for Wildlife Information

350 5-58 0506
38

September 11, 2000

351 5-58 1512

350 5-58 1632
38

305 5-58 1388
38

Guardian Personal Security Products, Inc.
c/o Technology Sciences Group, Inc.
1101 17th Street, NW
Washington, DC 20036

Attention: Ms. Amy Plato Roberts

Subject BearGuard Bear Deterrent
EPA Reg. No. 71920-1
Your submissions of March 6, March 7, and April 20, 2000

We have reviewed the above submissions and have the following comments.

**Review of
3/6/2000
submission**

1. The testimonial accounts submitted on March 6, 2000, of use of pepper sprays attributed to UDAP suggest that the product(s) involved were used successfully by Messrs. Burge and Saucier. The account by Burge provided more detail on actual use of the product than did Saucier's.
2. There is nothing in the accounts from either of these gentleman which clearly documents use of the 71920-1-72007 product rather than some unregistered offering sold under the name of UDAP either prior to or following registration of BearGuard.
3. Haines' newspaper account indicated that Burge used a spray product manufactured in Bozeman, MT. Is this correct?

**Review of
3/7/2000
submission**

4. We applaud the representation in your letter of March 7, 2000, to the effect that UDAP Industries -- which distributes 71920-1 under the number 71920-1-72007 -- "will no longer distribute the advertising materials" upon which the Agency commented in an e-mail of March 6, 2000.

9-11-2000
EPA letter

Review of
4/20/2000
submission

5. We also have examined the materials provided with your letter pertaining to the promotion of the Counter Assault and Guard Alaska bear pepper sprays. We found a few troublesome statements in the Counter Assault items and many in those pertaining to Guard Alaska. We are communicating with the registrants of those products regarding acceptable and unacceptable claims and will continue to do so as objectionable materials come to our attention. Keep in mind that mistakes made by others do not justify responses in kind on your part.
6. On April 20, 2000, you submitted a clamshell label insert that UDAP would like to use with its distributor product (EPA Distributor Reg. No. 71920-72001). As a matter of policy, we do not approved distributor labeling. If you want this additional labeling approved, you need to submit three (3) copies of revised labeling under your own registration number.
7. Even if the "UDAP" references were changed to "BearGuard" references, there would still be many problems with this "proposed" labeling, which have more to do with the history of unregistered bear sprays than they have to do with any version of BearGuard that has been registered and on the market since March 18, 1999.
 - a. An example of the latter is the story of Mark Matheny's own attack by a bear on September 9, 1992 and his companion's alleged use "of a small 4 oz. can of pepper spray" to save him.
 - b. Another example is a testimonial captioned "**UDAP's Bear Spray proven effective!!!!**" which is attributed to a Nate Vance of "Teton Wilderness Outfitting, WY". Vance claims to have twice saved himself by using "*Pepper Power*". Due to the age of that testimonial -- which we have seen before -- it almost certainly pertains to a preregistration version of "*Pepper Power*".
 - c. Another problem with the "proposed" clamshell label is that it refers readers to a publication and similar(?) internet item called "***Bear Safety Tips***" which was not submitted for review. Any publication other than official government publications referred to by any element of labeling also are considered to be labeling.

d. **UDAP Clamshell Label**

The following statements on the "proposed" UDAP clamshell label are unacceptable for the following reasons:

1. "***STOPS aggressive attacks***"

With no qualifications, the phrase implies 100% efficacy and, therefore, could be considered false or misleading.

2. ***"Wisdom is Better than Strength!"***

While this statement may often be true, it seems to be used misleadingly here in the sense of comparison of this product with alternative approaches such as use of a firearm (strength?) or a different bear pepper spray (implying that "It's wisest to use UDAP"). By providing appropriate context, it might be possible to include the thought on the label.

3. ***"Thank you for Being Prepared with the Leader in Bear Defense Pepper Sprays"***

No basis is established for showing this product to be the "leader" of anything, let alone, as the sentence implies, the deserving leader by being the best such product. According to representations made to us, this product is not even an original (ostensibly being identical to BearGuard and Bear Peppermace). With 2 other supposedly identical offerings on the market, at best this product could only be tied for the mythical lead. Therefore, this claim is both false and misleading.

4. ***"Highest % Active Ingredients"***

This is a true statement used to mislead. The total percent of capsaicinoids claimed for the BearGuard family is higher than the claims made for Counter Assault and Guard Alaska. This fact does not necessarily make, as the statement clearly intends to imply, the UDAP product better than any of the others; and it would be tied with BearGuard and BearPeppermace in total capsaicinoid concentration claimed.

5. ***"Hottest Formula Made"***

See discussion of the preceding

6. ***"EPA Registered"***

The appearance of an EPA registration number on the label is sufficient evidence of EPA registration. The additional claim seems to reflect an attempt to imply EPA endorsement.

7. All references to unreviewed and, therefore, unaccepted material on ***"Bear Safety Tips"*** whether as a booklet or on a website

Any publication (other than certain types of official government publications) to which labels and/or labeling refer is also considered to be labeling and, therefore, must be reviewed and accepted before such references may be made.

8. **"Bear Attack" story**

As noted above, the product involved in this tale could not possibly have been what is being offered for sale as "UDAP pepper *power*TM *bear* deterrent".

9. The claim "UDAP's Bear Spray proven effective!!!" and the testimonial paragraph which follows it

Testimonials are not adequate substitutes for efficacy data and, therefore, have no place on pesticide labeling. As noted above, the relevance of this account to the formulation that is supposed to be used in "UDAP pepper *power*TM *bear* deterrent" is questionable and would probably be difficult to verify.

10. **"As seen on the Discovery Channel!"**

This is another allusion to a non-official media item which is implied to show the product in a favorable light.

e. **Sample Dealer Hand-Out**

Your submission of April 20, 2000 also included an item which blue-marker handwriting describes as a "Sample dealer hand-out that shows picture of complete packaging". This item bears the objectionable statements listed and discussed below

1. **"New Tamper-proof package"**

The packaging depicted probably could be damaged by a strong person or by anyone using something like car keys. "**Tamper-evident**" would be a more appropriate description of the packaging than "**Tamper-proof**".

2. **"NEW PACKAGE!"**

This claim could be made as long as it were true. For pesticide products, our convention has been to permit "New!" claims to be made for only one year from the time that the change is introduced. We have reasons to believe that this "**NEW PACKAGE!**" has had a history of use already and, therefore, that it no longer is new.

3. **"Proven in dozens of wildlife attacks"**

No evidence of anywhere near "**dozens**" of "attacks" has been presented to us and those that have been presented are not documented as to the formulation used. One of the two testimonials submitted on March 6, 2000, and discussed above did not even involve an attack but rather Silvio Saucier's (appropriate) desire not to be treed for a night. Furthermore, the parent product is registered only for deterring bears, not all "**wildlife**".

4. **"Preferred by Backcountry Outfitters & Professionals"**

No evidence has been submitted that supports the implication that "**UDAP** pepper *power*TM *bear* deterrent" is the bear pepper spray of choice for "**Backcountry Outfitters & Professionals**". Mr. Vance, whose testimonial appears on the "proposed" clamshell label, claims to be such a person; but he is only one. We saw a few more accounts in earlier submissions. Whether those accounts pertained to the formulation that is supposed to be used in this product in 2000 is questionable.

5. **"HOTTEST FORMULA MADE"**

As noted above, "hottest" might not necessarily mean "best".

6. **"EPA Registered"**

As noted above, this statement might imply endorsement, although the text is relatively inconspicuous and less inappropriate on a "dealer hand-out" than on a label which bears a registration number. We would certainly want dealers to know which bear deterrents are registered because they are the only ones that it is legal to sell.

7. "OUR BEAR DETERRENT SPRAYS ARE EPA REGISTERED
FOR 2000 IN THE FOLLOWING 45 STATES:

AL ... WY

**Anticipated in CA by June 2000
(CANADA Inquiries Welcome)"**

To our knowledge, free-ranging bears occur in many of the States listed; but some of the listings are surprising (e.g., DC). This long list of State registrations -- not to mention the one "**Anticipated**" for California and the "**Inquiries Welcome**" from Canada -- suggests a marketing strategy that might seek customers wanting to use the product against more than just bears. The product should not be used for any other purpose.

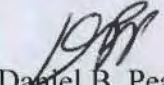
In the future when evaluating potential label claims, consider the types of prohibited statements listed in the Code of Federal Regulations under 40 CFR, §156.10(a)(5).

Someone has brought to our attention labeling for UDAP Pepper Power that was claimed to have been purchased before your submission of April 20, 2000. That labeling included essentially the same clamshell label that you "proposed" inappropriately on April 20, 2000, and a container label for the U.S. version of the product which bore the registration number for Canada. It is illegal to use labeling that has not been accepted and to use another country's registration number on a label for a product registered in the U.S. Were that product taken to Canada, we suspect that the product would be found to be violative in nearly all respects as their labeling requirements differ from ours.

Questions

If you have questions about this letter, please contact me at 703-305-5407 (by phone), 703-305-6596 (by fax), or peacock,dan@epa.gov (by E-Mail).

Sincerely,


Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

**Letter
location**

A:\Bear Deterrents\71920-1, Reply to 4 submissions in 2000 (Disk
42).wpdSeptember 11, 2000

IRB BRANCH REVIEW - TSS

Record Number(s)

D266973

D266974

D267021

D267083

6/26/00

6/27/00

IN 6/29/00 OUT 9/5/00

EFFICACY

FILE OR REG. NO. 71920-1

PETITION OR EXP. PERMIT NO. _____

DATE DIV. RECEIVED 3/7/00, 4/21/00, 3/9/00, 5/3/00

DATE OF SUBMISSION 3/6/00, 4/20/00, 3/7/00, 4/27/00

DATE SUBMISSION ACCEPTED 6/26/00, 6/26/00, 6/27/00, 6/29/00

TYPE PRODUCTS(S): I, D, H, F, N, R^X, S

DATA ACCESSION NO(S). no new efficacy data

PRODUCT MGR. NO. 05

PRODUCT NAME(S) BEARGUARD -BEAR DETERRENT

COMPANY NAME Guardian Personal Security Products

SUBMISSION PURPOSE "proposed" labeling and assorted label claims

CHEMICAL & FORMULATION @.)% "Capsaicin and related capsaicinoids" aerosol

File for
71920

Please forward
to Dan Peacock,
IRB

Efficacy Review: BEARGUARD™, 71920-R
Guardian Products
Phoenix, AZ 85027

200.0 INTRODUCTION

200.1 Uses

2.0% "Capsaicin and related capsaicinoids*" aerosol product
Federally registered "to deter bears which are attacking or
appear likely to attack humans".

200.2 Background Information

See efficacy reviews of 1/25/99, 3/9/99, 3/16/99, and
12/27/99. This product was registered on 3/18/99. No
revised labels or label components have been accepted
subsequently.

See also 1/24/00 and 3/30/00 reviews of inquiries (data
package D261874 and CORR. #292749, respectively) regarding
promotional statements being made for UDAP Pepper Power,
which is supposed to be a subregistration ("distributor
product") of 71920-1 marketed by Universal Defense
Alternative Products (aka "UDAP Industries") of Bozeman,
MT. In those reviews, I found that promotional statements
on various elements of UDAP's labeling -- some of which
were never submitted for 71920-1 -- were highly
objectionable.

This review discusses the items listed and described below.

1. A submission of 3/6/00 made by Amy Plato Roberts of
Technology Sciences Group, Inc., on behalf of Guardian
Products. The materials from this submission that were
sent to me include a cover letter, an amendment form, a
copy of the BEARGUARD label accepted on 3/18/99, a
statement announcing the commencing of studies of
storage stability and corrosion characteristics, and
copies of two testimonial letters and a copy of a
newspaper item regarding reportedly successful use of
UDAP Pepper Power.
2. A submission of 3/7/00 from Roberts on behalf of
Guardian Products. The materials from this submission
that were sent to me include a cover letter, a copy of
an e:mail from Dan Peacock (IRB) to Mark Matheny of
UDAP ("bearman@udap") regarding objectionable
promotional statements, and assorted items used to
promote sales of bear pepper sprays (Counter Assault,
5541-2; Guard Alaska, 71545-1) not in the Guardian
"family".

3. A submission of 4/20/00 made by Amy Plato Roberts of Technology Sciences Group, Inc., on behalf of Guardian Products. The materials from this submission that were sent to me include a cover letter, an amendment form, a copy of the BEARGUARD label accepted on 3/18/99, assorted elements of labeling and advertising that are to be used (and/or being used) for UDAP Pepper Power Bear Deterrent, 79120-1-72007.
4. A letter of 4/27/00 from Pride Johnson, President of Counter Assault's company. With his letter, Johnson enclosed elements of labeling and advertising for UDAP Pepper Power Bear Deterrent (71920-1-72007) which he finds to be objectionable.
5. Paper copies of internet versions of articles on bear pepper sprays which recently appeared in Backpacker magazine (also to be reviewed separately as CORR. #293341).

Products claimed to protect humans from other humans are not considered to be pesticides because humans are not considered to be pests under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Products claimed to protect people from attacks by relatively large animals (e.g., bears, dogs) must be registered as pesticides. Although this registration requirement has been in place for nearly 40 years, manufacturers of bear pepper sprays enjoyed more than a decade of sales life as unregistered pesticides before the first product of this type, Counter Assault (55541-2), was registered on May of 1998. Prior to that time, the products were being sold with some knowledge and even some official winking by government agencies, most notably the Park Service (which equipped its personnel with unregistered products) and the EPA (which, responding to political interference by a U.S. Senator from Alaska and others, blunted a 1993 enforcement action properly initiated by an agency of Alaska's State government).

Since May of 1998, EPA has taken a number of enforcement and other regulatory actions which have resulted in 5 Federal Registrations for bear pepper sprays (one of which now is subject to a stop-sale order) and some improvements in labeling. One problem common to these products has been the use of unreviewed elements of labeling in addition to the accepted container label in various commercial presentations of the products. Another common problem has been the making of false and misleading statements on such unreviewed labeling and in other promotional materials (including store displays which, by accompanying pesticide products in commerce, also qualify as labeling). Three of the first four submissions discussed in this review are

related in one way or another to such labeling issues. The Backpacker items represent one publication's attempt to make sense of the various bear-deterrent products now available and the claims made for them.

There are a number of existing prohibitions -- (FIFRA, §2(q)(1)(A), §12(a)(1)(E); 40 CFR, §156.10(a)(5) -- against making "False or misleading statements" on labeling. The statements and graphics found to be objectionable in past reviews of products of this type generally have fallen into the categories listed below.

1. "A false or misleading statement concerning the composition of the product" [40 CFR, §156.10(a)(5)(i)];
2. "A false or misleading statement concerning the effectiveness of the product as a pesticide or device" [40 CFR, §156.10(a)(5)(ii)];
3. "A false or misleading comparison with other pesticides or devices" [40 CFR, §156.10(a)(5)(iv)];
4. "Any statement directly or indirectly implying that the pesticide or device is recommended or endorsed by any agency of the Federal Government" [40 CFR, §156.10(a)(5)(v)]; and
5. "A true statement used in such a way as to give a false or misleading impression to the purchaser" [40 CFR, §156.10(a)(5)(vii)].

201.0 DATA SUMMARY

Submission of 3/6/00

The testimonial items report use of the Pepper Power product in two separate incidents by an Eric Burge of Bozeman, MT, and a Sylvio Saucier of Madawaska, ME. The newspaper item (Joan Haines, Bozeman Daily Chronicle, Friday, October 8, 1999) pertains to the Burge incident.

Burge's item is an "e:mail" to Mark Matheny of UDAP dated "Monday, October 11, 1999". Burge writes that the incident took place on 10/6/99 and occurred when he "startled 3 large grizzlies, a sow and two nearly mature cubs." In charging Burge, the 3 bears reportedly covered an estimated 30 yards "in little more than a second" until they were within 10 yards of him, whereupon the "sow continued her charge while the two others hung up". Burge writes that he fired the unit 3 times -- when the sow was estimated

distances of 20', 10-12', and 7-8' away. Burge states that a cross wind carried the product off target for the most remote spraying, but the third attempt "nailed her square in the face and she stopped cold." She soon "bolted over the rise" with the cubs "right on her heels."

Burge adds that he carries Pepper Power with him instead of the ".357 magnum" that he used to use and that he prefers the prospect of saving himself and the bear to the likely outcome with a firearm. He adds that the pepper spray is lighter to tote and "faster and easier to employ under duress" than a firearm. He also thanks Matheny

for creating such a valuable and ecological conscience product. Your efforts are truly saving lives, and not just human!

Haines's newspaper account of the same event adds that the incident occurred at 9,200' elevation, that Burge claimed to have been aware that grizzlies were in the area, and that he might have made the incident more likely because he was "stealth into the wind" while bow-hunting. Burge told the reporter, "If I would have had a gun, I would have used it." Burge apparently also told the reporter that he thought that he had exhausted about half of the container's contents in dealing with the grizzlies.

Although Robert's letter of 3/6/00 claims the testimonials to be relevant to 71920-1-72007 (UDAP's distributor product), neither Burge's e:mail or the newspaper account of the incident clearly identifies the product used as a distributor version of 71920-1, as opposed to whatever it was that UDAP sold prior to EPA's regulatory actions against unregistered products. Haines describes the product used as

the largest size and strongest mixture of UDAP, a pepper spray manufactured in Bozeman.

If the reporter's information is correct, what Burge used might be an old product or something purporting to be 71920-1-72007 that might or might not be identical to 71920-1 (which a distributor product is required to be). The only labels that we have seen for 71920-1-72007 indicate that the product is made in Arizona.

Saucier's account was communicated in the form of a letter dated 9/25/99. The incident reportedly occurred on 8/30/99. Saucier reported having climbed into a tree stand in the late afternoon for the purpose of "hunting black bear, over bait, in Maine." A mother and cubs came along. The cubs reportedly went for the bait and the sow for

Saucier's stand before moving to the bait herself. The mother then seemingly sent her cubs up a tree while she stood her ground to defend them against "a large bear" whose approach she apparently had sensed. Saucier thought about shooting the "large bear" but was not presented an angle appropriate for a bow shot. The mother drove the "larger bear" away, went back to the bait,

apparently settling down and guarding it, maybe for the night.

Seeking not to spend the night in the tree, Saucier decided to use Pepper Power to drive the sow away. Saucier reports that the

when the orange and strong smelling fog hit her, she took off instantly and very fast, twenty-five yards from my stand and stayed there because her cubs were still up the tree.

The sow did not charge as Saucier cautiously left the area. Saucier's account does not describe the firing distance, duration, or number of "shots" needed to deter the sow. He also does not clearly identify the product as 71920-1-72007.

Submission of 3/7/00

Roberts' submission of 3/7/00 was made in response to Peacock's e:mail of 3/6/00 to Matheny concerning promotional statements which included claims not accepted for 71920-1, including various false and misleading statements implying product superiority and endorsement of the product by EPA. After stating that "the advertising materials mentioned were removed from circulation" 3 days before Peacock's e:mail, Roberts devotes much of her letter and enclosures to it to charging UDAP's and BEARGUARD'S competitors with the same type of promotional tactics for which UDAP had been criticized. Thus, began another round of "the pot calling the kettle 'black'" for bear deterrents.

Regarding Counter Assault (55541-2), Roberts brings to our attention table entitled "**BEAR SPRAY Comparison February 2000**" and a short website item. This table presents columns for the 3 bear deterrents registered and legally available at that time (Counter Assault, Guard Alaska, and the Bearguard group, including Pepper Power and Bear Peppermace. The information in the table is claimed to have been taken from

product labeling, brochures and EPA notifications as of February 2000.

The rows include various product attributes, for many of which -- at least to some ways of thinking -- Counter Assault seems to come out at or near the top of the comparison chart. While it would not be illegal to make valid comparisons among products, a great deal of information would be needed -- more than a label or advertisement is likely to have -- to present such comparisons in context and to keep them from being false or misleading. The **"BEAR SPRAY Comparison February 2000"** includes comparisons that are false and misleading, some of which are true statements which might give false impressions to readers.

In the "Ingredients/Attributes" row, the reader learns that while Counter Assault is made in Montana, Guard Alaska is made in Maryland and the BearGuard group in Arizona (not Bozeman, MT). If not an appeal to provincialism among Montana customers, this bit of technically irrelevant information would seem to be an attempt to imply that a bear spray from "real" bear country would be more authentic than, say an "Alaska" product from Maryland.

The second row, called "Meets All IGBC guidelines" gives a "Yes" for Counter Assault and "No" entries for the other two products. What is not mentioned is that the IGBC (International Grizzly Bear Committee, or something close to that) designed its guidelines based upon the attributes of the Counter Assault product. Consequently, only that product could possibly meet "All IGBC guidelines". We have no evidence on hand which indicates that meeting all of those guidelines is necessary for an effective bear pepper spray, let alone the best.

The third row compares claimed net weights, showing Counter Assault's to be intermediate to those claimed for the other two products.

The fourth row compares total capsaicinoid claims, with Counter Assault's being intermediate and BearGuard's highest. However, the percent of Capsaicin (likely the hottest capsaicinoid compound in the products) is lowest for Counter Assault. Among other things, this makes the fourth row misleading by presenting (perhaps) true information in a way that would give a false impression to the reader.

The fifth row indicates that all 3 products are claimed to be "Derived from (OC) Oleoresin Capsicum"; and the sixth

row claims that all 3 come out of their containers as a "Megaphone Shaped Cloud". As no differences are claimed among the products, there is little to discuss here, save for the possibility that the claims presented as equivalent might be false for one or more of the products.

The seventh row pertains to "Minimum Range" and presents the spray range claims that appear on the accepted labels for the products (30' for BearGuard and Counter Assault and 15-20' for Guard Alaska). These figures were derived from studies intended to show spray patterns at various distances from the source. The distances accepted as label claims were the maximum distances from which the product clearly created a large pattern on a surface held essentially perpendicular to the spray angle. Therefore, use of the heading "Minimum Range" is incorrect for all 3 products. Even if claimed as a maximum range (or maximum effective range), the information could be judged to be misleading because we do not have enough information on hand to indicate that such differences in range would be of practical value in protecting humans. (Intuitively, range should matter, especially over short distances such as 5-10'. Whether a product delivered over 30' really is more protective than one with a 15-20' range has not been shown in any study of which I am aware.)

The eighth row ("Time of Continuous Spray") presents data from labels concerning the time of continuous spraying that it takes to evacuate a container. These numbers show Counter Assault (7 sec) as being intermediate to Guard Alaska (9 sec) and BearGuard (4 sec). While there may be some actual differences among these products in time to total evacuation, I must note here that the ways in which this measure was taken may have varied between products. I suspect that the BearGuard studies were most conservative in this regard because the watch was stopped as soon as the size and speed of the spray cloud began to wane (and the experimenter judged the output to be possibly of diminished efficacy). Units were still hissing when the watches were stopped. If the other units were timed for the total duration of hissing, the times reported for them would have been longer than those conservatively reported for BearGuard. However, the evacuation times claimed on the labels reportedly were confirmed in tests conducted by Backpacker magazine.

The ninth row factually indicates that all 3 products are "EPA Registered".

The 10th row indicates that, unlike the other two products, Guard Alaska lacks a "Glow in the Dark Safety Wedge". I am not sure what is true here, but I was unable to induce the

orange cap used on a container proposed for a bear deterrent glow in the dark.

The 11th row indicates that only Counter Assault has the following seemingly desirable characteristic; "Safety cable tie prevents accidents in stores". If the safety wedge could be subverted in the package presentation, this claim might be appropriate. If other products are packaged in such a way that they cannot go off spontaneously or when people "fiddle" with displayed products, the claim that the cable tie is needed to keep "accidents in stores" from happening would be misleading.

The 12th row claims that Counter Assault and at least the UDAP version of 71920-1 have the characteristic: "Elastic String prevents loss of Safety Wedge".

The Counter Assault webpage mainly indicates that the product is registered in the U.S. and in Canada and that there are prohibitions and other special considerations associated with transporting pepper sprays in aircraft. The information of U.S. registration is presented under the heading "**EPA Certification**" which, to me, implies more than simple registration and, to others, might imply Federal endorsement.

A runner at the top of the page reads "Counter Assault -- to stop aggressive attacks". The claim "to stop" implies 100% efficacy or that stopping "aggressive attacks" is the intended purpose for using the product. As no bear deterrent has been shown or suggested to be 100% effective, such a claim is false and misleading. Clearly stating that the product is intended to stop bear attacks would be acceptable. The phrase "aggressive attacks" is too vague and implies that the product would work against species not listed on its accepted label. (It might indeed, but the label should be broadened before the advertising is.)

The Counter Assault webpage shown seems to have a few "hot buttons" which, if clicked upon, might lead to pages of additional claims, some of which might be objectionable. No other pages for Counter Assault were included in the materials sent for my review.

While the "**BEAR SPRAY Comparison February 2000**" and Counter Assault webpage are objectionable here and there, they are "small potatoes" in that regard compared to the material from the Guard Alaska website. I have reviewed and commented on material from the Guard Alaska website and McNeill River's promotional material in past reviews, including one of 3/31/00 which was based on a tip supplied

by Karl Scholz of Guardian Products. I suspect that EPA already has communicated to Scholz and McNeill River Enterprises, Inc. about that material, which I got hold of by visiting the website on 3/20/00 and 3/30/00 and via website items that Dan Peacock downloaded and sent to me along with Scholz's letter. In case EPA has not corresponded with Scholz and McNeill River about the items (and to the extent that what Roberts supplied differs from what I found), I will go over the materials that Roberts supplied, importing and adapting text from the 3/31/00 review of 71545-1 as necessary to save time and facilitate discussion.

Scholz brought McNeill River's website to EPA's attention via an e:mail of 2/24/00 in which, among other things, he made the comments shown below.

What controls (other than the controls which govern ethical business) does the EPA place on registered products? I mean, guard alaska is gonna kick our butts with their advertising unless we can address their ads point-by-point and show how our product is better.

We use stronger OC (which the public already knows to ask for...but which we don't address in our ads on the strength of Amy's [Plato Roberts] counsel).

We have more range.

We make our own product.

And what is this about "all species of bears?" Which species should a consumer NOT use our products on?

With the review package for Scholz's letter, Peacock provided some print-outs from the website (made on or before 3/20/00). The text on some of the pages was very faint. Upon visiting the site on 3/30/00, I discovered that certain pages have a blue background with white text. My efforts at printing such pages produced even fainter text than Peacock's (whose version can be read at the risk of severe eyestrain). I visited McNeill River's website on 3/20/00 and found that it had its own menus and some rather ingenious action graphics. One of these is a rotating cube in the "Articles" section of the website. To see a particular article, one may click on a panel of the rotating cube to enter a particular "Article". This is not easy to do, especially if one is interested in seeing the full range of "Articles" provided. Fortunately, I was able

to get into 6 distinct items using the alternative method of clicking on the publication's names where they appeared near the left margin of one of the screens. Basically white text on a black background, the "Articles" printed legibly.

The website information that I considered previously and that which Roberts supplied is replete with questionable statements about the Guard Alaska product and about bear biology. The page for the Guard Alaska product itself includes the following objectionable material:

1. "Ultramag Shotgun Series" (caption)
2. "An invincible 20% ultra hot pepper spray."
3. "Absolutely the most effective and powerful bear defense spray available today."
4. "This product has proven so effective that it is the only one registered with the EPA as a repellent for ALL SPECIES of bears."
5. "Environmentally safe! Does not contain flammable or ozone depleting substances."
6. "Our formula is scientifically proven superior, and endorsed by the Alaska Science & Technology Foundation."
7. "Six years of extensive testing in the wilds of Alaska."

In the pre-regulated history of bear pepper sprays, there evidently were certain catch phrases that entrepreneurs conditioned customers to look for. "Shotgun" (item 1) is one such claim. Previously, I have encountered it on labeling and/or other literature for several products, including Guard Alaska. Presumably, it is intended to convey impressions that the spray behaves like a shotgun blast and/or that it affects bears like a shotgun blast would. As neither appears to be completely correct, the claim should be considered to be "false and misleading", as described in 40 CFR, §156.10(a)(5)(ii).

While both a shotgun and an aerosol spray would expand in cross-sectional coverage over distance from the source, the similarities end there. The particles delivered by the aerosol become smaller and smaller over distance traveled, with some remaining airborne and being carried off by moving air. Shot would stay about the same size, be affected only somewhat by winds, and sink rapidly over

time. A bear hit with an aerosol pepper spray would be likely to experience burning in the eyes (and perhaps temporary blindness or disorientation) and respiratory difficulties. A bear hit in the eyes with a shotgun blast could be blinded permanently and perhaps killed.

The "invincible" claim (item 2) also is a false or misleading statement about product efficacy. No one can guarantee 100% efficacy for a pesticide product as there are too many things that could go wrong. Wind and accuracy are two potential problems for users of bear sprays, and there also is a chance that a container will turn out to be a "dud".

The "20%" part of item 2 probably refers to the proportion of the product that is OC extract. It greatly exceeds the product's total capsaicinoid label claim and would be misleading if compared to the capsaicinoid claim for any other product. As OC extracts may vary in composition and hotness, relative OC concentrations may not be valid indicators of relative effectiveness among products.

The claim "Absolutely the most effective and powerful bear defense spray available today" (item 3), is unproven and constitutes a "false or misleading comparison with other pesticides". Such claims are expressly prohibited for pesticide labeling in 40 CFR, §156.10(a)(5)(iv).

The "proven so effective" and "only one registered ... as a repellent for ALL SPECIES of bears" claim (item 4) is false in its first part and false and misleading in its second. The only product-specific information that McNeill River provided for Guard Alaska was a videotape of a single use against a black bear of a product purported to be theirs. While that use was successful, one such trial falls well short of justifying the claim "proven so effective". Since that tape was made, the formulation of Guard Alaska has been modified (to change inerts).

Randal Prater of McNeill River has told me on several occasions that he performed extensive testing of various existing products and candidate formulations before deciding how to make Guard Alaska. I asked him to submit whatever accounts he might have of such research, but he claimed not to have written any. Consequently, there does not seem to be any way to document whether such research took place, let alone to assess its thoroughness and results.

No one's product was tested against polar bears as far as I am aware. The label for BearGuard (71920-1, Guardian's product) claims efficacy against "bears". So do the labels

for Guard Alaska (71545-1), Counter Assault (55541-2), and the stop-saled Bear Pause (71768-1). There is no evidence in the jacket for 71545-1 that EPA has accepted any labeling for that product which specifically claims it to be effective against all species of bears. However, the unqualified claim "bears" implies effectiveness against all bear species; and that claim appears on the labels of all Capsaicin-containing bear sprays registered in the U.S.

The "Environmentally safe!" claim (item 5) is of the sort of safety claims that are categorically prohibited under 40 CFR, §156.10(a)(5)(ix). The same could be said of "Does not contain flammable or ozone depleting substances." The Confidential Statement of Formula (CSF) and product chemistry data supplied for 71545-1 should be checked to determine whether the claims about lack of flammability and ozone depletion are even true statements.

The claim "Our formula is scientifically proven superior" (item 6) seems to me to be both false and misleading on its face and by virtue of its implied favorable comparison with unnamed competitors' products. Prater has not documented the research that he claims to have performed and, even if he had, the claim "scientifically proven superior" would be a tough one to establish. I have no idea whether Guard Alaska actually was "endorsed by the Alaska Science & Technology Foundation" (whatever that is), but such a claim strikes me as being misleading at best. No information is provided regarding what one must do to gain the endorsement of that body. For all we know, that endorsement may be available for a small contribution, may have been given to anyone who asks, or may have been given to several products claimed to deter bears. Whether the AS&TF conducted any relevant testing of bear deterrents also has not been established before EPA.

The claim "Six years of extensive testing in the wilds of Alaska" (item 7) also is not established before EPA. All that I know for sure about testing is that McNeill River sent us a videotape of one application of what might have been an old version of Guard Alaska.

The section of the website called "The Truth about Pepper Spray" (submitted by Roberts and found by me on 3/20/00) also contains many questionable statements and a great deal of unsubstantiated conjecture.

The first two paragraphs of "The Truth" discuss the make-up of a typical bear repellent, state that Capsaicin is the principal active component of Oleoresin Capsicum (OC) sprays and note that rating composition by percent of OC (rather than percent of Capsaicin) in a mixture can be

misleading, as can assessing hotness by use of Scoville Heat Units (SHUs). Compared to the rest of "The Truth" according to McNeill River Enterprises, this stuff is relatively mild.

The third paragraph goes into McNeill River's (unsubstantiated) beliefs that pepper sprays which use distilled water or vegetable oils as carriers are rendered ineffective by the presence of such substances. It also opines that residual vegetable oils deposited on substrates following use of pepper sprays containing such ingredients can attract bears. (Tom Smith of the U.S. Geological Survey in Alaska put forth such a theory in 1998, providing data and videotaped evidence that were not inconsistent with the theory but were not definitive either.)

The fourth paragraph states that propellents are important to successful use of the product and should not be ozone depleters or flammable substances. I have no disagreement with such positions.

The fifth paragraph gets heavily into McNeill River's unsubstantiated claims that they have done extensive testing of Guard Alaska and their position that substances in their formulation fight through bears' ocular mucous membranes and open bears' pores. (Others have told me that, like other Carnivora, bears lack skin pores.) McNeill River also claims that inert ingredients in Guard Alaska can displace water, thus making the product effective against animals "wet from rain or other causes." That claim also is unsubstantiated.

The last paragraph reads as follows:

McNeill Enterprises, Inc., does not recognize SHU's nor do we advertise SHU's on our products. Under the pesticide/repellant act, the EPA requires the percentage of total capsaicin (not OC) to be 1%. Guard Alaska products go over and above the E.P.A. standard for total capsaicin by maintaining a 1.3% capsaicin total in all of our products.

Actually, the 1.3% level claimed for the product is the total capsaicinoid concentration rather than the percent of the product comprised of Capsaicin alone.

The information supplied by Roberts on 3/7/00 includes a 4-page item entitled "What makes our product stand out?" ("News & Info" button). This item contains a number of questionable claims about Guard Alaska products without clear delineation of what is intended to pertain to the

Guard Alaska bear deterrent and the Guard Alaska products claimed to protect people from other people. The item refers to EPA testing, which would only be relevant to the bear deterrent product because we do not regulate anti-human products.

Via a convoluted paragraph, McNeill River implies that "Guard Alaska" does not degrade. Elsewhere, the item discusses the problems associated with claiming OC concentrations and hotness in terms of SHU's.

The item also states,

We do not use vanillyl [sic] pelargonamide, V/P) [sic] a synthetic man made compound found in pepper sprays as a cheap replacement for Capsaicin.

The item goes on to present a "Press Release - November 23, 1999 -- Missoula, Montana" pertaining to EPA's stop-sale of Bear Pause (ChemArmor, Missoula, MT) for using Vanillyl Pelargonamide (VP) as the active ingredient while claiming that the product contained "a purified form of capsaicin". (The false claim of active ingredient was the essential reason for issuing the stop-sale.)

The item also presents a "Press Release - November 1, 1998 -- Anchorage, AK & Phoenix, AZ" pertaining to the initial registration of "Guard Alaska Bear Repellent Spray". The account is replete with claims concerning alleged "extensive testing both in the field and laboratories", Guard Alaska's being the only product "certified by the EPA as a repellent for ALL SPECIES of bear", problems with water-based pepper sprays, "UltraMag Shotgun Series", and "an invincible 20%". The bear product also is claimed to be

"absolutely the most effective and powerful bear defense spray made."

These claims are objectionable as being unsubstantiated or outright false and misleading.

The information supplied by Roberts also includes a 3-page item entitled "Our products can STOP a bear in its tracks. Imagine what it can do to an attacker".

This item pertains to animal deterrents and "personal protection" products. Like the other McNeill River items, this one is loaded with unsupported claims and attempts at emotional blackmail. These are listed and discussed below.

1. "Six years of testing in the wilds of Alaska!"

This one might be false. As noted above, McNeill River has never documented any testing except for one videotaped trial alleged to be of (an earlier version) of their bear product.

2. "For instantly disabling an assailant and stopping an assault."

This one is somewhat misleading, but seems to imply use against people. When properly delivered any pepper spray should temporarily incapacitate a human attacker. However, the user could miss; the attacker could somehow be protected from or be impervious to the agent; or the container mechanism could fail. The words might seem to imply no failures, although their presentation as a "For" phrase rather than a sentence also could be construed as having it mean what the product is intended to do rather than what it reliably does.

3. "Our pepper spray products contain the hottest active ingredient available."

This seems to be a false and misleading claim of comparison with unnamed other products. All of the pepper sprays still legally available are claimed to be derived from OC (which might not be "the hottest active ingredient available", even if one assumes the context of active ingredients that might be used in bear sprays and personal defense sprays).

4. "They actually open the pores of the skin and penetrate the mucous membranes."

As noted above, claims of this nature are likely to be false as far as bears are concerned. Humans do have pores. Whether any Guard Alaska product opens them and such action contributes to product efficacy is irrelevant to the labeling issues under discussion for 71545-1 and 71920-1.

5. "These are the MOST effective products available on the market today. Used for stopping personal assaults from stalkers, muggers, rapists, thieves, bears, badgers, dogs, etc... ANY animal or human will be instantly disabled."

This text is especially troubling due to the many unsubstantiated favorable comparisons with unnamed products and mix bear claims with claims for deterring humans as well as types ("badgers, dogs, etc... ANY animal"). Although there are reasons to expect that the bear product might be useful against other types of animals, the company has neither presented data supporting such claims nor been granted them on any accepted labeling. The efficacy of some of the "personal protection" product presentations against bears and other animals might be very limited.

6. "Unlike the other manufacturers of personal defense sprays, Guard Alaska products contain no ineffective ingredients. Water-based sprays are, by their nature, ineffective (water is the natural antidote for the active ingredient, capsaicin. Imagine that - the antidote as part of the formula...) Oil-based sprays tend to bead-up and roll off the intended surface and are flammable, and alcohol based sprays are extremely flammable."

We have seen nothing which substantiates any of this conjecture which, at the very least, should be regarded as false or misleading on the basis of claiming favorable product comparisons.

7. "Guard Alaska's formula is scientifically proven superior, and endorsed by the Alaska Science & Technology Foundation. Our sprays are very different from the others. They contain the hottest active ingredient available in a base that actually opens the pores of the skin for incredible stopping power.... Our sprays also penetrate the mucous membranes, making them the most effective available."

These sentences represent more of the same type of questionable assertions regarding mode of action, claims of absolute effectiveness, and allegations of superior performance to unnamed competitor's products.

8. "Our products have undergone extensive field testing in the wilds of Alaska and are EPA certified to repel bears in the wild. If our product will stop a wild bear, a human assailant pales in comparison."

This stuff is false and misleading. As noted above, the field testing is unsubstantiated and, according to Prater himself, unsubstantiatable. EPA has registered the product but has not "certified" it to do anything and does not endorse it or any other pesticide product. The inferences that the bear deterrent product should be used against humans and/or that the "personal protection" products are as effective as the bear repellent (against whatever) are especially troublesome as they might cause people to hurt themselves or other people unduly by using too much or too little product for the job.

9. "Have the satisfaction and peace-of-mind in knowing that you possess the safest, most effective and highest quality defense spray sold anywhere."

These are false and misleading claims of comparative safety [prohibited by 40 CFR, §156.10(a)(5)(x)], efficacy, and composition.

10. "Every year in the United States, over 1 million people are assaulted. Over 100,000 are raped. DON'T BECOME A STATISTIC! Be prepared. Protect yourself. Protect your loved ones. Use Guard Alaska Pepper Spray."

This is emotional blackmail: "Use our product or else!"

11. "Be safe. Be prepared!"

Ditto.

12. "Guard Alaska. Because our quality could be your last line of defense."

Ditto.

13. "NO ONE should be without their HOT LIPS!!!" [brand name for purse-size personal protection product line]

Ditto.

If I were a competitor of McNeill River in the bear deterrent and/or "personal protection" spray business, I

would be highly upset by the unsubstantiated statements and outright falsehoods found on that company's website. Such outrage would not excuse my responding in kind, however, although additional motivation to do so might arise from concern over what the outlandish statements might do to my own sales curve. Because the statements are so outlandish, at least some potential customers might see through them. Because some might not and to deter other companies from resorting to the same tactics, we (EPA) should do what we can to fix the problem. We can write to the company about it, but we might have to include the Federal Trade Commission (FTC) in the loop because much of the problem is associated with advertising rather than labeling.

In the review of 3/31/00 pertaining to McNeill River's website, I also reviewed the items in the "Articles" section of McNeill River's website. These are cited and discussed below, with the text being reported from the review of 3/31/00 and only slightly edited.

Anonymous. (1999) The truth about pepper sprays. Hunting, April, 1999.

Anonymous? (1999) Guard Alaska. "EDITOR'S GRAB BAG" item in May, 1999, edition of Bow & Arrow Hunting magazine.

McLean, D. (date not indicated) "Guard Alaska" section of "Omega Proving Ground" article (perhaps). Soldier of Fortune magazine.

Anonymous (1999) Guard Alaska O.C. spray. S.W.A.T., May, 1999.

Anonymous. (1999) Guard Alaska Personal Protection Pepper Sprays. American Survival Guide, March, 1999.

Anonymous. (1999) Bear repellent -- safe two ways. Bow Masters, May, 1999.

The item from Hunting essentially parrots the information from the website page called "The Truth". The "article" is really an "info-mercial".

The Bow & Arrow Hunting piece has the appearance of journalism, but seems devoid of critical thinking as it quotes Prater as stating that the product "opens the pores, making it the most effective on the market." Without quotation marks, the article includes the paragraph shown below.

The first product developed was Guard Alaska Bear Repellent Spray. It is so effective that the EPA certifies it as a repellent for all species of bears.

At the bottom of the page, there is a side-view picture of someone spraying product from a container which has the appearance of the sort used for bear pepper sprays. The pictures caption is nonsensical:

A demonstration of the power of the 20 percent potency of the Guard Alaska McNeill River Defense Spray, which is intended for use against bears.

The "20 percent" that has been alleged for Guard Alaska refers to the proportion of the product that is supposed to be Oleoresin Capsicum. The OC level would have nothing to do with the spray pattern.

The Soldier of Fortune item is another info-mercial which talks about opening pores, denigrates competitive products categorically (without mentioning any specific ones). It also claims certification by EPA ("as a repellent for all species of bear") and use of Guard Alaska products by

the U.S. postal service, the U.S. Fish and Wildlife Service in Alaska, the U.S. Army in Alaska and all types of outdoorsmen.

The flavor of this item is apparent from its opening paragraph, which reads as shown below.

The merchandisers of some products make a point to assure buyers their fine products have never been tested on animals. Not so Guard Alaska, whose product is not only tested on animals -- they videotaped the animal's response, retreat and remorse to demonstrate the efficacy of their product and their confidence in it at short range. Guard Alaska sells bear repellent and their product is not only the best on the market it is probably the only one that is actually effective on bears and other large carnivores who are programmed not to retreat at irritation, but only in response to overwhelming, searing pain.

The S.W.A.T item appears to have been written by the magazine's staff. The item plugs Guard Alaska products a bit and buys into some of McNeill River's rhetoric. The article also discusses registration requirements and the 1/15/99 cut-off for sales of unregistered bear repellents.

The American Survival Guide item includes a picture of probably the same person using the product as in the Bow and Arrow item, but the view is from the person's other side. The item quotes Prater extensively and hits the usual points: "six years of extensive testing", "certified by EPA as a repellent for all species of bears", "water is the antidote for pepper spray", and, of course,

breaks down the naturally occurring oils in the skin and opens the pores, making it the most effective product on the market.

The Bow Masters item is a 4-paragraph insert which appears on the same page of the magazine as a true advertisement for Guard Alaska bear repellent. The insert is pretty much an advertisement itself, shamelessly plugging the product and inaccurately stating that "Recent legislation" provided the impetus for EPA to require that bear repellents be registered. (Registration of animal repellents -- including attack repellents -- has been required since the early 1960's, but it was not until the mid-to-late 1990's that real progress toward getting bear repellents registered was made. Such progress was due almost entirely to the indefatigable efforts of Dan Peacock.)

The first paragraph of the Bow Masters insert includes false and misleading claims about efficacy and safety:

Guard Alaska, one of the most effective bear repellent pepper sprays on the market, which has actually been tested against the big bears of Alaska, is now recognized as one of the only pepper sprays on the market that is also safe to use.

After reviewing the Guard Alaska information on McNeill River's website. I can see why Scholz was concerned. The various items are replete with information that would not be permitted on labeling. Such statements probably also are not permitted in advertising in general. The Federal Trade Act (FTA) prohibits making "false and misleading" statements in advertising. Under the authority of the FTA, the Federal Trade Commission (FTC) can require those who make questionable statements to provide information which supports such statements or to refrain from making them in the future. I have worked with the FTC on a few occasions (primarily regarding ultrasonic devices claimed to repel rodents). I suspect that FTA cases have their own histories and interpretations.

We should probably contact the FTC to see what they might have done regarding purported bear repellents or internet

advertising in general. There has been much talk in the media recently about whether to "regulate the internet" or even to tax it. There also is increased general recognition that the "information superhighway" has great potential for doing harmful things as well as good things. Anyone who is "on line" can pretty much put anything out for public consumption regardless of whether it is true or the effects that it might have on others. We should see what we can do to persuade McNeill River to be more factual on its website.

Submission of 4/20/00

In this submission, Roberts proposes to have elements of labeling accepted for BearGuard so that they may be used for the market presentation of "UDAP pepper **power**TM **bear** deterrent" (as presented on the proposed new labeling) in "clamshell" packaging. To this end, Roberts submitted a stamped copy of the current accepted container label for BearGuard (71920-1), a copy of the container label reportedly now being used for UDAP Pepper Power (71920-1-72007), and 5 copies of the Pepper Power label that is to be inserted into the clamshell which is to hold a container of the product and (at least some of the time) a "Hip Holster" for carrying the container in a way that would seem to facilitate rapid use.

Content issues aside, this amendment application cannot be accepted at this time because any amendment to a registered product must be proposed for the parent product rather than the distributor product. Guardian Products would have to propose additional labeling for 71920-1 which, if accepted, could also be used by distributors of the product, such as UDAP.

The container label for 71920-1-72007 is formatted somewhat differently than that for 71920-1, but the only difference of potential significance is the omission from the Pepper Power label of the BearGuard label's center panel emphasis of the prohibition against puncturing or incinerating containers. However, both labels bear such prohibitions under "**PHYSICAL OR CHEMICAL HAZARDS:**". As both labels list "071920-AZ-001", it is implied that both products are made in Arizona rather than Montana.

The main problem with the clamshell insert label is that it is for "UDAP pepper **power**TM **bear** deterrent". That is not its only problem, however. The proposed label also bears objectionable claims and testimonials which have more to do with the history of unregistered bear sprays than they have to do with any version of BearGuard that has been

registered and on the market since 3/18/99. An example of the latter is the story of Matheny's own attack by a bear on 9/25/92 and his companion's alleged use "of a small 4 oz. can of pepper spray" to save him. Another example is a testimonial captioned "**UDAP's Bear Spray proven effective!!!**" which is attributed to a Nate Vance of "Teton Wilderness Outfitting, WY". Vance claims to have twice saved his own hide by using "**Pepper Power**". That testimonial is at least a year old (I recall reviewing it in the Spring of 1999) and consequently almost certainly pertains to a preregistration version of "**Pepper Power**".

Another problem with the label is that it refers readers to a publication and similar(?) internet item called "**Bear Safety Tips**" which was not submitted for review. Any publication other than official government publications referred to by any element of labeling also are considered to be labeling.

The questionable statements on the proposed UDAP clamshell label are listed and discussed below.

1. "**STOPS aggressive attacks**"

With no qualifications, the phrase implies 100% efficacy and, therefore, could be considered false or misleading.

2. "**Wisdom is Better than Strength!**"

While this statement may often be true, it seems to be used misleadingly here in the sense of comparison of this product with alternative approaches such as use of a firearm (strength?) or a different bear pepper spray (it's wisest to use UDAP). By providing context, it might be possible to include the thought on the label; but with context, the impact of the statement would be diminished (and appropriately so).

3. "**Thank you for Being Prepared with the Leader in Bear Defense Pepper Sprays**"

No basis is established for showing this product to be the "leader" of anything, let alone, as the sentence implies, the deserving leader by being the best such product. According to representations made to us, this product is not even an original (ostensibly being identical to BearGuard and Bear Peppermace). With 2 other supposedly identical offerings on the market, at best this product could only be tied for the mythical

lead. Therefore, this claim is both false and misleading.

4. **"Highest % Active Ingredients"**

This is a true statement used to mislead. The total percent of capsaicinoids claimed for the BearGuard family is higher than the claims made for Counter Assault and Guard Alaska. This fact does not necessarily make, as the statement clearly intends to imply, the UDAP product better than any of the others; and it would be tied with BearGuard and BearPeppermace in total capsaicinoid concentration claimed.

5. **"Hottest Formula Made"**

See discussion of the preceding item.

6. **"EPA Registered"**

The appearance of an EPA registration number on the label is sufficient evidence of EPA registration. The additional claim seems to reflect an attempt to imply EPA endorsement.

7. All references to unreviewed and, therefore, unaccepted material on **"Bear Safety Tips"** whether as a booklet or on a website

8. **"Bear Attack" story**

The product involved in this tale could not possibly have been what is being offered for sale as **"UDAP pepper power™ bear deterrent"**.

9. The claim **"UDAP's Bear Spray proven effective!!!"** and the testimonial paragraph which follows it

Testimonials are not adequate substitutes for efficacy data and, therefore, have no place on pesticide labeling. The age of this particular account also is such that its relevance to the formulation that is supposed to be used in **"UDAP pepper power™ bear deterrent"** seems questionable and would probably be difficult to verify.

The material to which I have objected includes most of what is proposed for the clamshell insert label except for the **"DIRECTIONS FOR USE"**. Those directions would be acceptable if identical to those accepted for BearGuard, but they are

not because the directions refer to the product as UDAP. The directions also refer to figures which do not appear on the clamshell label (but do on the container label).

Roberts' submission of 4/20/00 also included an item which blue-marker handwriting describes as a "Sample dealer hand-out that shows picture of complete packaging". This item bears the objectionable and alarming statements listed and discussed below.

1. **"New Tamper-proof package"**

The packaging depicted probably could be damaged by a strong person or by anyone using assorted implements such as car keys. **"Tamper-evident"** would be a more appropriate description of the packaging than **"Tamper-proof"**.

2. **"NEW PACKAGE!"**

This claim could be made as long as it were true. For pesticide products, our convention has been to permit "New!" claims to be made for only one year from the time that the change is introduced.

3. **"Proven in dozens of wildlife attacks"**

No evidence of anywhere near **"dozens"** of "attacks" has been presented to us and those that have been presented are not documented as to the formulation used. One of the two testimonials discussed above did not even involve an attack but rather Saucier's (appropriate) desire not to be treed for a night. The parent product is registered only for deterring bears, not all **"wildlife"**.

4. **"Preferred by Backcountry Outfitters & Professionals"**

No evidence has been submitted that supports the implication that **"UDAP pepper power™ bear deterrent"** is the bear pepper spray of choice for **"Backcountry Outfitters & Professionals"**. Vance claims to be such a person, but he is just one (and possibly a crony of Matheny).

5. **"HOTTEST FORMULA MADE"**

As noted above, "hottest" might not necessarily mean "best".

6. "EPA Registered"

As noted above, might imply endorsement, although the text is relatively inconspicuous and less inappropriate on a "dealer hand-out" than on a label which bears a registration number.

7. "OUR BEAR DETERRENT SPRAYS ARE EPA REGISTERED FOR 2000
IN THE FOLLOWING 45 STATES:

AL	GA	MD	NH	OK	UT
AK	ID	MA	NJ	OR	VA
AZ	IN	MI	NM	PA	VT
AR	IN	MN	NY	SC	WA
CO	KS	MO	NC	SD	WV
DC	KY	MT	ND	TN	WI
DE	LA	NE	OH	TX	WY
FL	ME	NV			

Anticipated in CA by June 2000

(CANADA Inquiries Welcome) "

To my own knowledge, free-ranging bears occur in many of the States listed; but some of the listings surprise me. The only bears that I have heard of in Washington, DC, are confined at the National Zoo. I suppose that DC residents might find it convenient to buy this product before they visit nearby areas (e.g., in VA, WV, and PA) where bears occur. However, this long list of State registrations -- not to mention the one "Anticipated" for California and the "Inquiries Welcome" from Canada -- suggests an aggressive marketing strategy that might seek customers wanting to use the product against more than just bears. Canada has had a problem with use of pepper sprays as potential offensive weapons in the commission of crimes. It might not be long before the same problem becomes common here.

Johnson's Letter of 4/27/00

Johnson reports having purchased "a packaged canister of UDAP's Pepper Power" on 4/18/00 and supplied photocopies of the front panel of the container label plus "supplemental labeling on the insert card" in the product's packaging. The visible portion of the container label corresponds in

content and appearance to what Roberts included with her submission of 4/20/00 except for the insertion of the following below the name of the product: "**CANADIAN Reg. No. 255[2-3 more blurred digits]**". The portions of the "**supplemental labeling on the insert card**" the Johnson submitted are essentially identical to the clamshell insert label that Roberts indicated that "UDAP Industries is proposing...." If Johnson's representations concerning how and when he obtained the labeling are accurate, UDAP already was using that labeling. (Note my treatment of the "**NEW PACKAGE!**" claim under "CONCLUSIONS".)

Johnson takes issue with the presentation of Canadian registration information ("**we were not permitted to do so by EPA**"), various claims made on the "**supplemental labeling on the insert card**", the allusion to "**A free bear booklet**" on the insert label, that UDAP's website allegedly alludes "**to 'Dangerous animals and makes other erroneous statements'**", and the "**many misleading statements**" which appear in "**UDAP's brochures**" which allegedly are offered "**at the point of purchase**".

Johnson goes on to request that EPA take prompt and stern enforcement action ("**an immediate stop-sale and recall**" plus "**a meaningful fine**"), especially because other outfits (such as Counter Assault) have been told not to make such statements and because

UDAP and Guardian Security Products **KNOW** that all labeling and supplemental labeling **MUST** have prior EPA registration before it can be put into the market.

Johnson calls for fairness and "trying to ensure 'a level playing field'", an expression that has quickly become hackneyed for bear deterrent marketers). He also states, "**I want you to follow your own laws**" and notes that the short market season for bear deterrents means that the "**illegal advertising methods**" employed by his competitors can have great impact if not stopped immediately.

Johnson is correct that the Canadian registration number has no business being a container product labeled as required by EPA and not as required by Canada. He is also correct about registrant's documents to which labels refer also being considered to be labeling and in objecting to the testimonials. (Someone -- probably Johnson -- handwrote "Counter Assault" with an arrow pointing to the

words "can of pepper spray" in the testimonial concerning Matheny's experience.)

The specific claims to which Johnson objects include some to which I also objected ("**Hottest Formula Made!**", "**Highest % Active Ingredients**", "**Leader in Bear Defense Pepper Sprays**") and one ("**As seen on the Discovery Channel!**") that I did not object to (having not seen the item mentioned). I suppose that the last of these claims could be seen as an attempt to bootleg an endorsement from a supposedly "with-it" entity. I objected to a few statements that Johnson did not mention specifically.

Backpacker Magazine Items

I have been asked to review internet versions of the Backpacker items cited and discussed individually below.

Morris, M. (2000a) The great bear spray shoot out. 2 pp.

In this item, which consists of 4 paragraphs and a table, Morris claims to have "conducted nozzle-to-nozzle" tests of "all five EPA-registered sprays" in order

To see how the various bear deterrents work in real backwoods conditions (minus the bear).

The products tested were BearGuard (71920-1), UDAP Pepper Power (71920-1-72007), Bear Peppermace (71920-1-61311), Counter Assault (55541-2) and Guard Alaska (71545-1).

On "a sunny 75°F day with very little wind", two containers for each product (at least 225 g of material claimed) were

fired from a platform 32 inches high over sheets of white paper that were 4 feet wide and stretched 40 feet beyond the platform.

The sheets of paper were laid horizontally on the ground rather than vertically at various fixed distances from the canister as was done for most tests of these products that I reviewed.

Cans were fired at ambient temperature in full and half-full conditions. Cans chilled to 30°F were fired in the full condition. Backpacker also apparently checked out label claims for time to evacuate containers and confirmed the label claims. The results obtained for spray distance are summarized in the table below.

PRODUCT	SPRAY DISTANCE			
	<u>Label Claim</u>	<u>Full 75°F</u>	<u>½ Full 75° F</u>	<u>Full 30° F</u>
BearGuard	≤30'	>40'	15'	>20'
Bear Peppermace	none	24'	15'	16'
UDAP Pepper Power	≤30'	26'	18'	13'
Counter Assault	≤30'	35'	16'	20'
Guard Alaska	15-20'	18'	12'	13'

Because Backpacker measured spray distances on sheets of paper lying on the ground, apparently parallel to the nozzle orientation, it is not clear that this trial can be taken as sufficiently similar to the tests reported to us by registrants to be considered to refute the spray pattern data that I reviewed. It is puzzling nonetheless that the performance characteristics differed considerably among the 3 products (BearGuard, Bear Peppermace, and UDAP Pepper Power) that are supposed to be identical. As summarized in the table below, Morris' qualitative descriptions of spray patterns also

CHARACTERISTIC	VERSION OF 71920-1		
	<u>BearGuard</u>	<u>Bear Peppermace</u>	<u>UDAP Pepper Power</u>
"Spray Pattern"	"Big, spreading cloud at 6 to 22 feet"	"Moderately dense cloud"	"Diffuse cloud starting at 6 feet"
"Comments"	"The biggest, most far-reaching spray cloud of all..."	Nothing remarkable, nothing unremarkable"	"Spray drifted to the left despite lack of breeze..."

The differences reported for these products, as well as the reported lack of a distance claim for Bear Peppermace, make me wonder if they actually are identical. We should collect market and ready-for-shipment samples and have them analyzed for composition to see what's going on. It could

be a shelf life problem or true differences in composition. It is interesting that the 3 reportedly identical products had different retail prices (\$44.95 for BearGuard, \$34.95 for Bear Peppermace, and \$39.95 for UDAP Pepper Power).

Morris, M. (2000b) Packin Heat. 4 pp.

Among other things, this item includes a picture which appears to illustrate the testing situation described by Morris (2000a). The item also alludes to the preliminary field trial by Tom Smith of the U.S. Geological Survey in which brown bears appeared to be attracted to residues from OC sprays. That study was conducted before any bear pepper sprays were Federally registered.

Stephen Herrero, a Canadian bear expert, is cited as the authority for Morris' conclusion that there is a "qualified 'yes'" to the question **"Does bear spray really work?"**. Herrero cautioned that such a product is no substitute for being careful when in bear country.

In a folksy sort of way, Morris indicates why EPA requires that capsaicinoid concentration rather than OC levels be claimed on labels and comments briefly on the BearPause stop-sale. She also talks about what to do "If you actually spray yourself" (water, cooking oil, "relax and wait it out").

Under the heading **"How To Pick the Right Spray"**, Morris mentions the Interagency Grizzly Bear Committee (IGBC), Tom Smith, and EPA and presents a list of 8 bulleted items, some of which clearly did not come from EPA. We did not recommend choosing a product that comes out in a "shotgun-cloud pattern" by that description and, as noted above, have attempted to remove references to "shotgun" patterns because aerosol outputs and shotgun blasts have little in common. We also did not recommend at least a 25' spray range or 6 seconds of spray time as we have registered products which do not meet one of the other of those targets. I suspect that these recommendations came from the IGBC and that they were made from experience with using bear pepper sprays and/or with knowledge that the Counter Assault product exceeds the distance and times indicated.

Other recommendations that did not come from EPA but which make sense are to replace cans "every 3 years to ensure against degradation and depressurization" and to replace any can that "drops below 75 percent of its original weight."

Apparently pulling from several sources, Morris recommends against spraying people and campsite articles (because "OC spray attracts bears 'like Catnip'"), against test-firing units in camp, in favor of firing the with the nozzle oriented "slightly down and in front of the approaching bear", in favor of firing "a brief shot when the bear is about 50 feet away" plus subsequent shots aimed at its eyes and nose if the bear keeps coming, and leaving "quickly" but without running if the bear changes its behavior or retreats. The recommendation against treating campsite articles is consistent with the labels for registered bear deterrents.

Dorn, J. (2000) *A contrarian's view "Pepper Belongs in the Kitchen"* 2 pp.

Perhaps a portion of the Morris (2000b) item, this one is cited separately because of its different author and point of view.

Aggrandizing himself as "a pacifist, a vegetarian, and a gun-hater", Dorn states that he does not carry bear spray. Perhaps he hopes that the bears he meets also are pacifists and vegetarians, their not liking guns seeming certain.

Either Dorn's or Morris' (2000b) item ends with a section called "*Preventative Measures Common Sense: Better than Spray*". This section includes 7 bulleted items which inform readers of the things that they should do so that they never need to spray bears. This list includes the usual stuff about making noise, avoiding areas and times of days where and when bears are likely to be about, and being careful about placement of foods near campsites.

I believe that the spray pattern article (Morris, 2000a) raises questions about the alleged identity of BearGuard, Bear Peppermace, and UDAP Pepper Power. As the marketing of anything other than the formulation accepted for 71920-1 would be illegal, I recommend that market samples of these 3 product offerings be collected to determine which, if any, of them represent the real product formulation. We also should evaluate that labeling being used for the 3 products.

If interest, determinations, and funds are insufficient to support sample collection, product testing, and a full-blown enforcement case, we could try writing a letter to Guardian Security indicating that we found the Backpacker test results for the BearGuard family to be "puzzling" and that it is Guardian's responsibility to ensure that all of its distributors act within the narrow limits provided for

distributor products. I do not favor that approach due to its wimpiness and its possible rewarding of illegal activities.

We have stop-saled a bear deterrent product (Bear Pause, 71768-1) because the company lied to us (and to everyone else) about its formulation. What we might have with the BearGuard family of products are lies to us (and discerning label readers, at least) about product composition via representations that the distributor products are identical to 71920-1 and possibly about the percent of active ingredient. Considering the much lower retail price for Bear Peppermace, one must wonder whether that product contains the same active ingredient complex at the same concentration as is claimed for 71920-1. It is possible that these outfits have slapped new distributor labels on old cans of the preregistration version of UDAP and/or Bear Peppermace so as not to have to "eat" old inventory. Investigations might show that these entities have done nothing wrong (on the formulation side of things) and reveal other reasons for the differences in performance among these supposedly identical products. Considering the gross differences among the product in the Backpacker tests and the general nature of our dealings with those who market bear repellents, I feel that the possibility of some sort of foul play is sufficiently great here to warrant a proper investigation.

202.0 CONCLUSIONS

To Guardian Products and/or Amy Roberts

1. The testimonial accounts submitted on March 6, 2000, of use of pepper sprays attributed to UDAP suggest that the product(s) involved were used successfully by Messrs. Burge and Saucier. The account by Burge provided more detail on actual use of the product than did Saucier's.

There is nothing in the accounts from either of these gentlemen which clearly documents use of the 71920-1-72007 product rather than some unregistered offering sold under the name of UDAP either prior to or following registration of BearGuard. We also are troubled by the statement in the newspaper account by Haines that the spray product that Burge used was manufactured in Bozeman, MT, rather than Phoenix, AZ.

2. We applaud the representation in your letter of March 7, 2000, to the effect that UDAP Industries -- which distributes 71920-1 under the number 71920-1-72007 -- "will no longer distribute the advertising materials"

upon which the Agency commented in an e:mail of March 6, 2000.

We also have examined the materials provided with your letter pertaining to the promotion of the Counter Assault and Guard Alaska bear pepper sprays. We found a few troublesome statements in the Counter Assault items and many in those pertaining to Guard Alaska. We have communicated with the registrants of those products regarding acceptable and unacceptable claims and will continue to do so as objectionable materials come to our attention. Keep in mind that mistakes made by others do not justify responses in kind on your part.

3. The "proposed" clamshell label insert submitted on April 20, 2000 is totally unacceptable because it pertains to a distributor product rather than to the parent product, BearGuard.

Even if the "UDAP" references were changed to "BearGuard" references, there would still be many problems with this "proposed" labeling. The "proposed" clamshell insert label also bears objectionable claims and testimonials which have more to do with the history of unregistered bear sprays than they have to do with any version of BearGuard that has been registered and on the market since March 18, 1999. An example of the latter is the story of Mark Matheny's own attack by a bear on September 9, 1992 and his companion's alleged use "of a small 4 oz. can of pepper spray" to save him. Another example is a testimonial captioned "**UDAP's Bear Spray proven effective!!!**" which is attributed to a Nate Vance of "Teton Wilderness Outfitting, WY". Vance claims to have twice saved himself by using "**Pepper Power**". Due to the age of that testimonial -- which we have seen before -- it almost certainly pertains to a preregistration version of "**Pepper Power**".

Another problem with the "proposed" clamshell label is that it refers readers to a publication and similar(?) internet item called "**Bear Safety Tips**" which was not submitted for review. Any publication other than official government publications referred to by any element of labeling also are considered to be labeling.

The questionable statements on the "proposed" UDAP clamshell label are listed and discussed below.

a. **"STOPS aggressive attacks"**

With no qualifications, the phrase implies 100% efficacy and, therefore, could be considered false or misleading.

b. **"Wisdom is Better than Strength!"**

While this statement may often be true, it seems to be used misleadingly here in the sense of comparison of this product with alternative approaches such as use of a firearm (strength?) or a different bear pepper spray (implying that "It's wisest to use UDAP"). By providing appropriate context, it might be possible to include the thought on the label.

c. **"Thank you for Being Prepared with the Leader in Bear Defense Pepper Sprays"**

No basis is established for showing this product to be the "leader" of anything, let alone, as the sentence implies, the deserving leader by being the best such product. According to representations made to us, this product is not even an original (ostensibly being identical to BearGuard and BearPeppermace). With 2 other supposedly identical offerings on the market, at best this product could only be tied for the mythical lead. Therefore, this claim is both false and misleading.

d. **"Highest % Active Ingredients"**

This is a true statement used to mislead. The total percent of capsaicinoids claimed for the BearGuard family is higher than the claims made for Counter Assault and Guard Alaska. This fact does not necessarily make, as the statement clearly intends to imply, the UDAP product better than any of the others; and it would be tied with BearGuard and BearPeppermace in total capsaicinoid concentration claimed.

e. **"Hottest Formula Made"**

See discussion of the preceding item.

f. **"EPA Registered"**

The appearance of an EPA registration number on the label is sufficient evidence of EPA registration. The additional claim seems to reflect an attempt to imply EPA endorsement.

g. All references to unreviewed and, therefore, unaccepted material on **"Bear Safety Tips"** whether as a booklet or on a website

Any publication (other than certain types of official government publications) to which labels and/or labeling refer is also considered to be labeling and, therefore, must be reviewed and accepted before such references may be made.

h. **"Bear Attack"** story

As noted above, the product involved in this tale could not possibly have been what is being offered for sale as **"UDAP pepper power™ bear deterrent"**.

i. The claim **"UDAP's Bear Spray proven effective!!!"** and the testimonial paragraph which follows it

Testimonials are not adequate substitutes for efficacy data and, therefore, have no place on pesticide labeling. As noted above, the relevance of this account to the formulation that is supposed to be used in **"UDAP pepper power™ bear deterrent"** is questionable and would probably be difficult to verify.

j. **"As seen on the Discovery Channel!"**

This is another allusion to a non-official media item which is implied to show the product in a favorable light.

4. Your submission of April 20, 2000 also included an item which blue-marker handwriting describes as a "Sample dealer hand-out that shows picture of complete packaging". This item bears the objectionable statements listed and discussed below.

a. **"New Tamper-proof package"**

The packaging depicted probably could be damaged by a strong person or by anyone using something like

car keys. **"Tamper-evident"** would be a more appropriate description of the packaging than **"Tamper-proof"**.

b. **"NEW PACKAGE!"**

This claim could be made as long as it were true. For pesticide products, our convention has been to permit "New!" claims to be made for only one year from the time that the change is introduced. We have reasons to believe that this **"NEW PACKAGE!"** has had a history of use already and, therefore, that it no longer is new.

c. **"Proven in dozens of wildlife attacks"**

No evidence of anywhere near **"dozens"** of "attacks" has been presented to us and those that have been presented are not documented as to the formulation used. One of the two testimonials submitted on March 6, 2000, and discussed above did not even involve an attack but rather Silvio Saucier's (appropriate) desire not to be treed for a night. Furthermore, the parent product is registered only for deterring bears, not all **"wildlife"**.

d. **"Preferred by Backcountry Outfitters & Professionals"**

No evidence has been submitted that supports the implication that **"UDAP pepper power™ bear deterrent"** is the bear pepper spray of choice for **"Backcountry Outfitters & Professionals"**. Mr. Vance, whose testimonial appears on the "proposed" clamshell label, claims to be such a person; but he is only one. We saw a few more accounts in earlier submissions. Whether those accounts pertained to the formulation that is supposed to be used in this product in 2000 is questionable.

e. **"HOTTEST FORMULA MADE"**

As noted above, "hottest" might not necessarily mean "best".

f. **"EPA Registered"**

As noted above, this statement might imply endorsement, although the text is relatively

inconspicuous and less inappropriate on a "dealer hand-out" than on a label which bears a registration number. We would certainly want dealers to know which bear deterrents are registered because they are the only ones that it is legal to sell.

- g. "OUR BEAR DETERRENT SPRAYS ARE EPA REGISTERED FOR 2000 IN THE FOLLOWING 45 STATES:

AL	GA	MD	NH	OK	UT
AK	ID	MA	NJ	OR	VA
AZ	IN	MI	NM	PA	VT
AR	IN	MN	NY	SC	WA
CO	KS	MO	NC	SD	WV
DC	KY	MT	ND	TN	WI
DE	LA	NE	OH	TX	WY
FL	ME	NV			

Anticipated in CA by June 2000
(CANADA Inquiries Welcome) "

To our knowledge, free-ranging bears occur in many of the States listed; but some of the listings are surprising (e.g., DC). This long list of State registrations -- not to mention the one "Anticipated" for California and the "Inquiries Welcome" from Canada -- suggests a marketing strategy that might seek customers wanting to use the product against more than just bears. The product should not be used for any other purpose.

We are surprised and disappointed to have received a submission that was so obviously inappropriate as yours of April 20, 2000. The "supplemental labeling" could not possibly have been accepted because it was not for the parent product and many of the claims proposed on it are clearly of the sorts expressly prohibited under 40 CFR, §156.10(a)(5).

5. Someone has brought to our attention labeling for UDAP Pepper Power that was claimed to have been purchased before your submission of April 20, 2000. That labeling included essentially the same clamshell label that you "proposed" inappropriately on April 20, 2000, and a container label for the U.S. version of the product which bore the registration number for Canada. It is illegal to use labeling that has not been

accepted and to use another country's registration number on a label for a product registered in the U.S. Were that product taken to Canada, we suspect that the product would be found to be violative in nearly all respects as their labeling requirements differ from ours.

[NOTE TO DAN PEACOCK: Although the Backpacker tests were conducted using horizontal targets rather than vertical ones, the different results obtained for BearGuard (71920-1), Bear Peppermace (71920-1-61311), and UDAP Pepper Power (71920-1-72007) do not seem to be consistent with the 3 product's being identical (as they are required to be). As noted under "DATA SUMMARY", I feel that a full enforcement investigation would be the appropriate way to approach this situation. Therefore, my recommendation is not to say anything to Guardian Products about the Backpacker results at this time. If you find no other support for this approach, I can help you draft text that would let the registrant know that we are "puzzled" by the results, "very concerned" about what they might mean, considering that a distributor product must be "formulated identically to its parent product".]

Reply to McNeill River

One of your competitors has brought your website to our attention, again. We have reviewed the material, especially the page on the Guard Alaska product (71545-1), the section titled "The Truth", and the "Articles" section. We find much of the information to be questionable at best and some of it to be unsubstantiated or untrue. We previously have commented to you regarding some similar statements that appeared on items of unaccepted labeling (see our letter of August 23, 1999).

[NOTE TO DAN PEACOCK: If another letter was sent following my review of 3/31/00, that letter also should be mentioned here. This material could be pared down considerably if the objectionable items are no longer in the website, which should be checked for content at the time you work on the outgoing letter.]

The page for the Guard Alaska product itself includes the following objectionable material:

1. "Ultramag Shotgun Series" (caption)
2. "An invincible 20% ultra hot pepper spray."
3. "Absolutely the most effective and powerful bear defense spray available today."
4. "This product has proven so effective that it is the only one registered with the EPA as a repellent for ALL SPECIES of bears."
5. "Environmentally safe! Does not contain flammable or ozone depleting substances."
6. "Our formula is scientifically proven superior, and endorsed by the Alaska Science & Technology Foundation."
7. "Six years of extensive testing in the wilds of Alaska."

Presumably, the "Shotgun" claim is intended to convey impressions that the spray behaves like a shotgun blast and/or that it affects bears like a shotgun blast would. As neither appears to be completely correct, the claim is considered to be "false and misleading", as described in 40 CFR, §156.10(a)(5)(ii).

The "invincible" claim (item 2) also is a false or misleading statement about product efficacy. No one can guarantee 100% efficacy for a pesticide product as there are too many things that could go wrong. Wind and accuracy are two potential problems for users of bear sprays, and there also is a chance that a container will turn out to be a "dud".

The "20%" part of item 2 seems to refer to the proportion of the product that is Oleoresin Capsicum (OC) extract. It greatly exceeds the product's total capsaicinoid label claim and would be misleading if compared to the capsaicinoid claim for any other product. As OC extracts may vary in composition and hotness, relative OC concentrations may not be valid indicators of relative effectiveness among products.

The claim "Absolutely the most effective and powerful bear defense spray available today" (item 3), is unproven and constitutes a "false or misleading comparison with other pesticides". Such claims are expressly prohibited for pesticide labeling in 40 CFR, §156.10(a)(5)(iv).

The "proven so effective" and "only one registered ... as a repellent for ALL SPECIES of bears" claim (item 4) is false in its first part and false and misleading in its second. The only product-specific information you have provided for Guard Alaska was a videotape of a single use against a black bear of a product purported to be yours. While that use was successful, one such trial falls well short of justifying the claim "proven so effective". Since that tape was made, the formulation of your product has been changed.

While you have told us on various occasions that you performed extensive testing of various existing products and candidate formulations before deciding how to make Guard Alaska, you also have indicated that you have no documentation or written accounts of any such research. As there does not seem to be any way to document whether such research took place, let alone to assess its thoroughness and results, all claims about such testing are inappropriate.

No one's product was tested against polar bears as far as we are aware. The labels for BearGuard (71920-1), Guard Alaska (71545-1), Counter Assault (55541-2), and even the stop-saled Bear Pause (71768-1) all claimed that the products were effective against bears, with no qualifications as to species. The unqualified claim "bears" implies effectiveness against all bear species; and that claim appears on the labels of all Capsaicin-containing bear sprays registered in the U.S. Statements to the contrary, such as item 4, are false.

The "Environmentally safe!" claim (item 5) is of the sort of safety claims that are categorically prohibited under 40 CFR, §156.10(a)(5)(ix). The same is true of "Does not contain flammable or ozone depleting substances."

The claim "Our formula is scientifically proven superior" (item 6) is both false and misleading on its face and by virtue of its implied favorable comparison with unnamed competitors' products. You have not documented the research that you claim to have performed and, even if you had, the claim "scientifically proven superior" would be a tough one to establish. We have no idea whether Guard Alaska actually has been "endorsed by the Alaska Science & Technology Foundation" or what might be needed to gain such an endorsement.

The claim "Six years of extensive testing in the wilds of Alaska" (item 7) also is not established before EPA. All that we know for sure about testing is that you sent us a videotape of one application of what might have been an old version of Guard Alaska.

The section of the website called "The Truth about Pepper Spray" also contains many questionable statements and a great deal of unsubstantiated conjecture.

The first two paragraphs of "The Truth" discuss the make-up of a typical bear repellent, state that Capsaicin is the principal active component of Oleoresin Capsicum (OC) sprays and note that rating composition by percent of OC (rather than percent of Capsaicin) in a mixture can be misleading, as can assessing hotness by use of Scoville Heat Units (SHUs). Compared to the rest of "The Truth" according to McNeill River Enterprises, these paragraphs are relatively mild.

The third paragraph goes into McNeill River's (unsubstantiated) beliefs that pepper sprays which use distilled water or vegetable oils as carriers are rendered ineffective by the presence of such substances. It also opines that residual vegetable oils deposited on substrates following use of pepper sprays containing such ingredients can attract bears. (Tom Smith of the U.S. Geological Survey in Alaska put forth such a theory in 1998, providing data and videotaped evidence that were not inconsistent with the theory but were not definitive either.)

The fifth paragraph mentions your unsubstantiated claims that you have done extensive testing of Guard Alaska and your position that substances in your formulation fight through bears' ocular mucous membranes and open bears' pores. (Others have told us that, like other Carnivora, bears lack skin pores.) You also claim that inert ingredients in Guard Alaska can displace water, thus making the product effective against animals "wet from rain or other causes." Such claims also are unsubstantiated, but all components of a pesticide formulation claimed to contribute to its effectiveness must be listed as active ingredients.

The last paragraph of "The Truth" claims "a 1.3% capsaicin total in all of our products." Actually, the 1.3% level claimed for your product is the total capsaicinoid concentration rather than the percent of the product comprised of Capsaicin alone.

The 4-page item entitled "What makes our product stand out?" ("News & Info" button) contains a number of

questionable claims about Guard Alaska products without clear delineation of what is intended to pertain to the Guard Alaska bear deterrent and the Guard Alaska products claimed to protect people from other people. The item refers to EPA testing, which would only be relevant to the bear deterrent product because we do not regulate anti-human products.

This item also states,

We do not use vanltlyl [sic] pelargonamide, V/P)
[sic] a synthetic man made compound found in
pepper sprays as a cheap replacement for
Capsaicin.

The item goes on to present a "Press Release - November 23, 1999 -- Missoula, Montana" pertaining to EPA's stop-sale of Bear Pause (ChemArmor, Missoula, MT) and also presents a "Press Release - November 1, 1998 -- Anchorage, AK & Phoenix, AZ" pertaining to the initial registration of "Guard Alaska Bear Repellent Spray". The latter account is replete with claims concerning alleged "extensive testing both in the field and laboratories", Guard Alaska's being the only product "certified by the EPA as a repellent for ALL SPECIES of bear", problems with water-based pepper sprays, "UltraMag Shotgun Series", and "an invincible 20%". The bear product also is claimed to be

absolutely the most effective and powerful bear
defense spray made.

These claims are objectionable as being unsubstantiated or outright false and misleading.

The 3-page item entitled "Our products can STOP a bear in its tracks. Imagine what it can do to an attacker" misleadingly pertains both to animal deterrents and "personal protection" products. Like the other McNeill River items, this one is loaded with unsupported claims and attempts at emotional blackmail. These are listed and discussed below.

1. "Six years of testing in the wilds of Alaska!"

You have not presented any documentation of any testing except for one videotaped trial alleged to be of (an earlier version) of their bear product.

2. "For instantly disabling an assailant and stopping an assault."

This one is somewhat misleading, but seems to imply use against people. When properly delivered almost any pepper spray should temporarily incapacitate a human attacker. However, the user could miss; the attacker could somehow be protected from or be impervious to the agent; or the container mechanism could fail. The words might seem to imply no failures, although your use of a "For" phrase rather than a sentence also could be construed as meaning what the product is intended to do rather than what it reliably does.

3. **"Our pepper spray products contain the hottest active ingredient available."**

This is a false and misleading claim of comparison with unnamed other products. All of the bear pepper sprays still legally available are claimed to be derived from Oleoresin Capsicum (which might not be **"the hottest active ingredient available"**, even if one assumes the context of active ingredients that might be used in bear sprays and/or personal defense sprays).

4. **"They actually open the pores of the skin and penetrate the mucous membranes."**

As noted above, claims of this nature are likely to be false as far as bears are concerned. Humans do have pores. Whether any Guard Alaska product opens them and whether such action contributes to its efficacy are irrelevant to 71545-1.

5. **"These are the MOST effective products available on the market today. Used for stopping personal assaults from stalkers, muggers, rapists, thieves, bears, badgers, dogs, etc... ANY animal or human will be instantly disabled."**

This text is especially troubling due to the many unsubstantiated favorable comparisons with unnamed products and the mixing of bear claims with claims for deterring humans as well as types (**"badgers, dogs, etc... ANY animal"**). Although there are reasons to expect that the bear product might be useful against other types of animals, you have neither presented data supporting such claims; nor have you been granted them on any accepted labeling. The efficacy of some of the "personal protection" product presentations against bears and other animals might be very limited.

6. "Unlike the other manufacturers of personal defense sprays, Guard Alaska products contain no ineffective ingredients. Water-based sprays are, by their nature, ineffective (water is the natural antidote for the active ingredient, capsaicin. Imagine that - the antidote as part of the formula...) Oil-based sprays tend to bead-up and roll off the intended surface and are flammable, and alcohol based sprays are extremely flammable."

We have seen nothing which substantiates any of this conjecture which, at the very least, should be regarded as false or misleading on the basis of claiming favorable product comparisons.

7. "Guard Alaska's formula is scientifically proven superior, and endorsed by the Alaska Science & Technology Foundation. Our sprays are very different from the others. They contain the hottest active ingredient available in a base that actually opens the pores of the skin for incredible stopping power.... Our sprays also penetrate the mucous membranes, making them the most effective available."

These sentences represent more of the same type of questionable assertions regarding mode of action, claims of absolute effectiveness, and allegations of performance superior to that of unnamed competitors' products.

8. "Our products have undergone extensive field testing in the wilds of Alaska and are EPA certified to repel bears in the wild. If our product will stop a wild bear, a human assailant pales in comparison."

This material is false and misleading. As noted above, the field testing is unsubstantiated and, according to you, unsubstantiable. EPA has registered the product but has not "certified" it to do anything and does not endorse it or any other pesticide product. The inferences that the bear deterrent product should be used against humans and/or that the "personal protection" products are as effective as the bear repellent (against whatever) are especially troublesome as they might cause people to hurt themselves or other people unduly by using too much or too little product for their particular needs.

9. "Have the satisfaction and peace-of-mind in knowing that you possess the safest, most effective and highest quality defense spray sold anywhere."

These are false and misleading claims of comparative safety [prohibited by 40 CFR, §156.10(a)(5)(x)], efficacy, and composition.

10. "Every year in the United States, over 1 million people are assaulted. Over 100,000 are raped. DON'T BECOME A STATISTIC! Be prepared. Protect yourself. Protect your loved ones. Use Guard Alaska Pepper Spray."

This is emotional blackmail which essentially implies, "Use our product or else!"

11. "Be safe. Be prepared!"

More emotional blackmail.

12. "Guard Alaska. Because our quality could be our last line of defense."

More emotional blackmail.

13. "NO ONE should be without their HOT LIPS!!!"

Still more emotional blackmail.

We are not surprised that your competitors in the bear deterrent and/or "personal protection" spray business are highly upset by the unsubstantiated statements and outright falsehoods found on your website. Because many of the statements are so outlandish, at least some potential customers might see through them; but many might not.

Several of the 6 items in the "Articles" section of your website appear to be "info-mercials" and none seems to have looked at your various claims critically.

Requirements for pesticide labels prohibit the sorts of statements that we find objectionable on your website. Truth-in-advertising requirements are administrated under the Federal Trade Act, which also prohibits making false or misleading statements.

Over the past two years, we have paid attention to your criticisms of literature for and other aspects of bear deterrents other than Guard Alaska. In some cases, we have taken actions based on information that you have provided.

In turn, others have leveled criticisms related to Guard Alaska. The only way that this finger-pointing will stop will be if people focus on their own products and stop taking pot-shots at other products, whether named or unnamed, in promotional items. What you could reasonably say about Guard Alaska is that you believe that it repels bears and you believe that it works for several stated reasons. In stating those reasons, you should clearly indicate what you know to be true and what is speculative.

Reply to Pride Johnson (Counter Assault)

The "UDAP Pepper Power" labeling that you sent to us on April 27, 2000, included claims, testimonial statements, and references to an unreviewed publication. You indicated that you found such items to be unacceptable as well as inconsistent with what we had told you in past communications. We find the claims that you identified, plus others, to be unacceptable.

We agree that any document to which labeling refers would also be considered to be labeling that would have to be reviewed and accepted before other product labeling could refer to that. In addition, such documents could not be amended unless we reviewed and accepted the new version. The only exception to this policy would be if accepted labeling referred to official publications of certain Federal or State agencies, as indicated in §2(p)(2)(B) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Clearly, we do not want any registrant to make false or misleading statements in labeling or (other) promotional materials. In this context, we discuss your table "**BEAR SPRAY Comparison February 2000**" and a short website item, both of which were brought to our attention earlier this year. The table presents columns which compare the 3 bear deterrents that were registered and legally available at that time (Counter Assault, Guard Alaska, and the BearGuard group, which also includes Pepper Power and Bear Peppermace. While it would not be illegal to make valid comparisons among products, a great deal of information would be needed -- more than a label or advertisement is likely to have -- to present such comparisons in context and to keep them from being false or misleading. The "**BEAR SPRAY Comparison February 2000**" makes a few comparisons that are false and misleading, some of which are true statements which might give false impressions to readers.

We do not know your reasons for indicating that Counter Assault is made in Montana, Guard Alaska is made in

Maryland, and the BearGuard group in Arizona. Whether or yuo are appealing to provincialism among Montana customers, this bit of information might be construed as implying that a bear spray from "real bear country" (or "grizzly country") would be more authentic or otherwise better than, say, an "Alaska" product from Maryland. Where an aerosol product is made seems irrelevant to us. How it is made would be a different story.

The second row, called "Meets All IGBC guidelines" gives a "Yes" for Counter Assault and "No" entries for the other two products. What is not mentioned is that the IGBC essentially designed its guidelines based upon the attributes of the Counter Assault product. Consequently, only that product could possibly meet "All IGBC guidelines". We have no evidence on hand which indicates that meeting all of those guidelines is necessary for an effective bear pepper spray, let alone the best.

The fourth row compares total capsaicinoid claims, with Counter Assault's being intermediate and BearGuard's highest. However, the percent of Capsaicin (likely the hottest capsaicinoid compound in the products) is lowest for Counter Assault. Among other things, this fact makes the fourth row misleading by presenting (hopefully) true information in a way that would give a false impression to the reader.

The seventh row pertains to "Minimum Range" and presents the spray range claims that appear on the accepted labels for the products (30' for BearGuard and Counter Assault and 15-20' for Guard Alaska). These figures were derived from studies intended to show spray patterns at various distances from the source. The distances accepted as label claims were the maximum distances from which the product clearly created a large pattern on a surface held essentially perpendicular to the spay angle. Therefore, use of the heading "Minimum Range" is incorrect for all 3 products. Even if claimed as a maximum range (or maximum effective range), the information could be judged to be misleading because we do not have enough information on hand to indicate that such differences in range would be of practical value in protecting humans. (Intuitively, range should matter, especially over short distances such as 5-10'. Whether a product delivered over 30' really is more protective than one with a 15-20' range has not been shown in any study of which we are aware.)

The eighth row ("Time of Continuous Spray") presents data from labels concerning the time of continuous spraying that it takes to evacuate a container. These numbers show Counter Assault (7 sec) as being intermediate to Guard

Alaska (9 sec) and BearGuard (4 sec). While there may be some actual differences among these products in time to total evacuation, the ways in which this measure was taken may have varied among products. These times were supported, however, by a recent article in Backpacker in test for which similar procedures probably were used for all products.

The 11th row indicates that only Counter Assault has the following seemingly desirable characteristic; "Safety cable tie prevents accidents in stores". If the safety wedge could be subverted in the package presentation, this claim might be appropriate. If other products are packaged in such a way that they cannot go off spontaneously or when people "fiddle" with displayed products, the claim that the cable tie is needed to keep "accidents in stores" from happening would be misleading.

The Counter Assault webpage mainly indicates that the product is registered in the U.S. and in Canada and that there are prohibitions and other special considerations associated with transporting pepper sprays in aircraft. The information on U.S. registration is presented under the heading "**EPA Certification**" which, to us, implies more than simple registration and, to some readers, might imply Federal endorsement.

A runner at the top of the page reads "Counter Assault -- to stop aggressive attacks". The claim "to stop" might infer 100% efficacy or that the purpose of the product is to stop "aggressive attacks". As no bear deterrent has been shown or suggested to be 100% effective, such a claim is false and misleading. Clearly indicating that stopping attacks by bears is the reason for using the product (as opposed to the guaranteed result of such use) would be acceptable. The expression "aggressive attacks" is inappropriate because it does not confine the claim to the target species (bears) claimed on accepted labeling.

The Counter Assault webpage shown seems to have a few "hot buttons" which, if clicked upon, might lead to pages of additional claims, some of which might be objectionable. You should go through the entire site and remove all objectionable statements.

William W. Jacobs
Biologist
Insecticide-Rodenticide Branch
September 5, 2000

DP BARCODE: D267083

CASE: 064255
SUBMISSION: S581632

DATA PACKAGE RECORD
BEAN SHEET

DATE: 06/29/00
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 350 GENRL CORRES REGISTRATION
RANKING : 5 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 2.0200%
ID#: 071920-00001 BearGuard Bear Deterrent
COMPANY: 071920 GUARDIAN PERSONAL SECURITY PRODUCTS, INC.
PRODUCT MANAGER: 04 TINA LEVINE 703-308-7055 ROOM: CM2 219
PM TEAM REVIEWER: DANIEL PEACOCK 703-305-5407 ROOM: CM2 221
RECEIVED DATE: 05/03/00 DUE OUT DATE: 08/21/00

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 267083 EXPEDITE: N DATE SENT: 06/29/00 DATE RET.: / /
CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)
DP TYPE: 001

	CSF: N		LABEL: N	
ASSIGNED TO	DATE	IN	DATE	OUT
DIV : RD	/	/	/	/
BRAN: IRB	/	/	/	/
SECT: PM04	/	/	/	/
REVR : <i>uy</i>	6/29/00		9/5/00	
CONTR:				

ADMIN DUE DATE: 09/07/00
NEGOT DATE: / /
PROJ DATE: / /
RL for Budavack
OBT for Guardian

* * * DATA REVIEW INSTRUCTIONS * * *

Bill,
please review the attached material.
thanks,
dan

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL
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*Most recent
review
3/30/00*



5-581632

71920-1

120 Industrial Court
Kalispell, MT 59901
406-257-GRIZ (4740)
Fax: 406-257-6674
email: counter@higsky.net

April 27, 2000

Dan Peacock
Mail Stop 7504C
US EPA
401 M Street, SW
Washington, DC 20460

Tim Osag
Technical Enforcement Program
EPA Region #8
999 18th Street, Suite 500
Denver, CO 80202-2466

RE: UDAP's Labeling & Supplemental Labeling

Gentlemen:

Enclose is a photocopy of a packaged canister of UDAP's Pepper Power that we purchased in Kalispell, Montana on April 18, 2000. UDAP is sub-registered under the registration 71920-1 for Guardian Security Products. I request your interpretation of FIFRA and/or 40 CFR pertaining to the following:

1. This label has been adulterated from the original registration by adding the Canadian Registration number to an EPA label. Counter Assault requested to add the Canadian registration number to our label and we were not permitted to do so by the EPA.
2. The supplemental labeling on the insert card has statements such as:
 - a. "Leader in Bear Defense Pepper Sprays"
 - b. "Highest % Active Ingredient" and "Hottest Formula Made!"
 - c. "As seen on the Discovery Channel!"
 - d. TestimonialsThe EPA would not permit Counter Assault to use similar terminology such as "First" or "Original" or "Hottest". In addition, we understand from the EPA that testimonials at the point of sale on pesticides are strictly forbidden.
3. A free bear booklet is advertised on the point of purchase label. EPA scrutinized Counter Assault's website on the premise that if the website is advertised on the label, the website becomes supplemental labeling subject to review. In addition, UDAP's website refers to "Dangerous Animals" and makes other erroneous statements.

4. UDAP's brochures are at the point of purchase and you can see from the enclosed copy they contain many misleading statements.

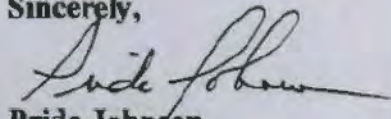
We know that EPA has been trying to ensure a "level playing field". It is clear that UDAP and/or Guardian Security Products are using unregistered marketing phrases that Counter Assault has not been permitted to do. UDAP and Guardian Security Products KNOW that all labeling and supplemental labeling MUST have prior EPA registration before it can be put into the market. When companies are allowed to break the law, their competitors are put at a disadvantage in the marketplace for many years.

I request all products that are packaged or labeled in this manner have an immediate stop-sale and recall issued. In addition, in the past, the EPA has moved slowly in these matters, a meaningful fine should be levied because they knew in advance they were breaking the law.

In the past, the EPA has moved slowly in these matters. I am losing sales due to their illegal advertising methods every day. It is imperative that the EPA moves quickly because the sale season will essentially be over in four months.

I want you to follow your own laws. Counter Assault is trying to adhere to EPA guidelines. If we have made inadvertent errors, please contact us and we will correct them immediately. I look forward to hearing from you soon regarding a resolution to these violations.

Sincerely,



Pride Johnson
President

cc: Senator Max Baucus
US Senate
511 Hart - Senate Office Building
Washington, DC 20510

enclosures UDAP insert card
UDAP brochure

pepper power. bear deterrent pepper spray

CANADIAN Reg. No. 92290

DO NOT SEEK OUT ENCOUNTERS WITH BEARS.
THIS PRODUCT IS A BEAR ATTACK DETERRENT
WHICH MAY PROTECT USERS IN SOME
SELECTED CONFRONTATIONS WITH BEARS.
IT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR
PREVENT ALL INJURIES. READ THIS ENTIRE LABEL
BEFORE TAKING THIS PRODUCT INTO AREAS
WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN
DANGER

Irritant to eyes, nose and skin. Wash thoroughly
with water after handling. See Side Panel for additional
precautions.

Active Ingredients:	
Capsaicin and related capsaicinoids*	2.0%
Inert Ingredients	98.0%
TOTAL	100.0%

*Made from Oleoresin of Capsicum

Packed for: UDAP Industries, Inc.

13160 Yonder Road Bozeman, MT 59711

1-800-232-7941 (406)763-4242

CHEMICAL EMERGENCY: 1-800-535-5033

Reg. No. 71920-1-72007 EPA Est. No. 071920-1

NET CONTENTS: 7.9 ounces (225g)

DEFENSE USE only



pepper
power™

STOPS
aggressive attacks

Highest % Active Ingredients

Registered by the EPA



**Wisdom is Better
than Strength!**

**Thank you for Being
Prepared with
the Leader in
Bear Defense
Pepper Sprays**



Bear Safety Tips
www.udap.com

30 Foot Fog

Send in for FREE
"Bear Safety Tips" booklet

Be Prepared!

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Date Purchased: _____ Location: _____



FREE!! "Bear Safety Tips" book
To receive our 32 page pocket size booklet free,
please complete this survey card, drop in an
envelope and mail to:
Booklet, UDAP Industries
13160 Yonder Rd.
Bozeman, MT 59718

*Has book
been approved*



UDAP Industries "concerned with your safety"

Bear Attack

While out bow hunting on September 25, 1992, Mark Matheny was attacked by a female grizzly bear on a main trail. In less than half a minute the grizzly charged and mauled Mark two times. Mark's hunting partner, Dr. Fred Bahnsen, reacted immediately, spraying the attacking bear with a small 4 oz. can of pepper spray. Now out of pepper spray both men were in even more danger if the hostile grizzly returned. Fortunately Dr. Bahnsen got Mark out of the woods and to the emergency room without further incident. Mark suffered extensive bite lacerations to the head and neck, superficial bite lacerations to the right arm, and also to the left anterior chest. He stayed conscious, but lost approximately one unit of blood. Mark's wounds would have been much worse, if not fatal, if his hunting partner would not have had the can of pepper spray.

"Thanks to God, a friend, and pepper spray, I am still here." God Bless Mark Matheny, President - UDAP Industries

Wisdom is Better
than Strength!

BE PREPARED!

Counter
Assault

UDAP's Bear Spray proven effective!!!

"We insist all of our guides and hunters carry pepper spray with them at all times. Twice during the past two hunting seasons, I have been charged by full grown grizzly bears. Both times, I know I could never have fired quickly nor accurately with my handgun. Both times I used **Pepper Power**. Both grizzly bears were coming at full charge. Each time, it was as though they had hit a brick wall when they charged into the fog of the **Pepper Power** spray! The cost of carrying and using **Pepper Power** is the best investment one can make."

Nate Vance, outfitter
Teton Wilderness Outfitting, WY

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 30 feet (9 meters). The canister empties completely in approximately 4 seconds [225g container] 5.4 seconds [260g container].

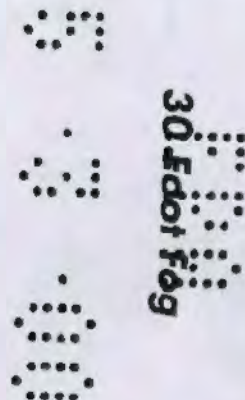
APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire **Pepper Power** in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a UDAP training can and practice with it until you can perform, quickly and accurately, the activities described in the column below.

TO ARM AND APPLY: See illustrations on can. Place forefinger through loop in handle with thumb on end of safety clip (Fig. 1). With thumb, pull safety clip up and straight back. This will expose the trigger lever. Depress trigger lever with thumb, releasing a 1 second burst of spray (Fig. 2). This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face the wind.

TO DISARM: Replace safety clip as illustrated (Fig. 3).

With Glow in the Dark Safety Clip!

For Bear Safety Tips visit - www.udap.com



30 Foot Fog

testimonial

Hottest Formula Made! EPA Registered

DP BARCODE: D266973

CASE: 064255
SUBMISSION: S580506

DATA PACKAGE RECORD
BEAN SHEET

DATE: 06/26/00
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 350 GENRL CORRES REGISTRATION
RANKING : 10 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 2.0200%

ID#: 071920-00001 BearGuard Bear Deterrent
COMPANY: 071920 GUARDIAN PERSONAL SECURITY PRODUCTS, INC.
PRODUCT MANAGER: 04 TINA LEVINE 703-308-7055 ROOM: CM2 219
PM TEAM REVIEWER: DANIEL PEACOCK 703-305-5407 ROOM: CM2 221
RECEIVED DATE: 03/07/00 DUE OUT DATE: 06/25/00

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 266973 EXPEDITE: N DATE SENT: 06/26/00 DATE RET.: / /
CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)
DP TYPE: 001

	CSF: N		LABEL: N	
ASSIGNED TO	DATE	IN	DATE	OUT
DIV : RD	/	/	/	/
BRAN: IRB	/	/	/	/
SECT: PM04	/	/	/	/
REVR : <i>uy</i>	<i>6/26/00</i>		<i>9/5/00</i>	<i>OW</i>
CONTR:	/	/	/	/

ADMIN DUE DATE: 09/04/00
NEGOT DATE: / /
PROJ DATE: / /

* * * DATA REVIEW INSTRUCTIONS * * *

Bill,

Take note of user reports and comment if needed.

Dan

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL
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Send incidents
to Bill & Jerry
Blondell

TECHNOLOGY
SCIENCES
GROUP
INC

03-07-00

WASHINGTON

1101 17th Street, N.W.
Suite 500
Washington, D.C. 20036
Telephone 202 223-4392
Fax 202 872-0745

Dan Peacock
Insecticide-Rodenticide Branch
Registration Division (7505C)
Office of Pesticide Programs
1921 Jefferson Davis Highway
Arlington, VA 22202

EPA

March 6, 2000

RE: BearGuard™ Bear Deterrent
EPA Reg. No. 71920-1

Compliance with conditions of registration

SAN FRANCISCO

2700 Steuart Street Tower
One Market
San Francisco, CA 94105
Telephone 415 267-4119
Fax 415 267-4198

Dear Mr. Peacock:

On March 18, 1999, BearGuard™ was conditionally registered, in accordance with FIFRA sec. 3(c)(7)(A), provided information on corrosion characteristics and storage stability be submitted within 15 months and information on efficacy be submitted within 12 months of receipt of the Notice of Pesticide Registration (a copy of the Notice is attached for reference). The purpose of this letter is to comply with the conditions of registration, as follows:

status of study

- 1) **Corrosion Characteristics / Storage Stability.** Attached you will find a letter from Guardian Personal Security Products indicating storage stability testing is in progress, and corrosion characteristics will be assessed on one-year aged commercial product. Upon completion of both actions, information will be submitted to the Agency.
- 2) **Efficacy.** In the Agency's letter dated March 9, 1999, the Agency stated:

"If we are to consider valid accounts of humans' use of bear repellents *in lieu* of or as a supplement to efficacy data from designed research experiments, it would be best if the accounts came from disinterested parties rather than registrants or applicants for registration. If the accounts were collected and submitted by registrants or applicants,

SACRAMENTO

712 Fifth Street
Suite A
Davis, CA 95616
Telephone 530 757-1298
Fax 530 757-1299



WASHINGTON

1101 17th Street, N.W.

Suite 500

Washington, D.C. 20036

Telephone 202 223-4392

Fax 202 872-0745

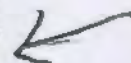
Page 2
March 6, 2000

the accounts would have to be complete and in the words of the users, with no editorial additions or deletions. We will consider nothing less than detailed accounts from users in their own, unedited words, in place of or in addition to the results of actual efficacy trials."

For the purposes of compliance with the conditions of this registration, attached you will find the following user reports specific to the product UDAP Pepper Power Bear Deterrent (EPA Reg. No. 71920-1-72007) which is the supplemental distributor of the BearGuard™ registration.

- a. October 11, 1999 account from Mr. Eric Burge, Bozeman, MT. (Email correspondence, 1 page)
- b. October 8, 1999 article from the Bozeman Daily Chronicle regarding the account from Mr. Eric Burge, Bozeman, MT. (Newspaper article, 1 page)
- c. September 25, 1999 account from Mr. Sylvio Saucier, Madawasha, ME. (Handwritten letter, 3 pages)

There have been no user reports specific the BearGuard™ brandname product (EPA Reg. No. 71920-1) or the product Bear Peppermace (EPA Reg. No. 71920-1-61311) which is also a supplemental distributor of the BearGuard™ registration. A number of verbal accounts have been received by UDAP Industries, however, the above listed accounts are the only direct accounts from users, in their own words, that are available. When new reports are made available by users, we will continue to submit them to the Agency on an annual basis.



As previously mentioned, corrosion characteristics and storage stability data will be submitted to the Agency upon completion. In addition, in the spirit of product stewardship, user accounts will continue to be submitted to the Agency when available. Should you have any questions or comments, please do not hesitate to let me know.

SAN FRANCISCO

2700 Steuart Street Tower

One Market

San Francisco, CA 94105

Telephone 415 267-4119

Fax 415 267-4198

SACRAMENTO

712 Fifth Street

Suite A

Davis, CA 95616

Telephone 530 757-1298

Fax 530 757-1299



WASHINGTON

1101 17th Street, N.W.
Suite 500
Washington, D.C. 20036
Telephone 202 223-4392
Fax 202 872-0745

Page 3
March 6, 2000

Sincerely,

Amy Plato Roberts
Regulatory Consultant
Direct dial (202) 828-8964; email aroberts@tsgusa.com

SAN FRANCISCO

2700 Steuart Street Tower
One Market
San Francisco, CA 94105
Telephone 415 267-4119
Fax 415 267-4198

cc: Karl Scholz, Guardian Personal Security Products
Mark Matheny, UDAP Industries, Inc.

SACRAMENTO

712 Fifth Street
Suite A
Davis, CA 95616
Telephone 530 757-1298
Fax 530 757-1299

This registration will be subject to cancellation in accordance with FIFRA sec. 6(e) if you do not comply with these conditions. Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

Daniel B. Peacock

Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

cc: Region 8 (Tim Osag) and Region 10 (Lyn Frandsen)

DIRECTIONS FOR USE (continued)

APPLICATION DIRECTIONS: (continued)

To arm and apply:

Place forefinger through loop in handle with thumb on curl of safety clip {fig.1}. With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb releasing a 1 second burst of spray {fig.2}. This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

To disarm:

Replace safety clip as illustrated {fig.3}.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID- IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

ENVIRONMENTAL HAZARDS: Do not apply directly to water. Do not contaminate water by disposing of unused material.

BearGuard™

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME SELECTED CONFRONTATIONS WITH BEARS. IT IS NOT BE EFFECTIVE IN ALL SITUATIONS. IT DOES NOT PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THE PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN

DANGER

Strong irritant to nose and skin. Wash thoroughly with soap and water after handling. See Safety Data Sheet for additional precautions.

Active Ingredients:

Capsaicin and related capsaicinoids 2.0%

Inert Ingredients 98.0%

TOTAL 100.0%

Made from the fruit of Capsicum

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 100°F or below 32°F.

DISPOSAL: When the container's release valve is depressed all pressure. Seal by wrap other end of container in several layers of newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE

Guardian Personal Security Products, LLC

21639 N. 14th Ave.

Phoenix, AZ 85027

1-800-527-4434 (602) 582-1070

CHEMICAL EMERGENCY: 1-800-493-9300

EPA Registration No: 71290-1 EPA Est. No: 071920-AZ-001

NET CONTENTS: 7.9 ounces (225g) or 9.2 ounces (260g)

Disclaimer: To the extent allowed by law, Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an on-going research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434 for details.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS:

This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations to prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.



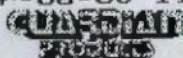
This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds [225-g container] 5.4 seconds [260-g container]

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

(DIRECTIONS FOR USE are continued in the next column.)

ACCEPTED GUARDIAN
MAR 18 1999 **PRODUCTS**

Under the Federal Insecticide, Fungicide, and Rodenticide Act as amended, for the pesticide registered under...



21639 North 14th Avenue

Phoenix, AZ 85027

1-800-527-4434

1-623-582-2133 Fax

Web: www.guardianproducts.comE-Mail: guardianproducts@worldnet.att.net 9-1-100**MANUFACTURERS OF:**

BodyGuard®

BodyGuard® LE-10®

Justice™

BearGuard™ EPA # 71920-1

PepperGas™

Alaskan Magnum™

9-1-100

DISTRIBUTORS OF:

Packaged Knives & Can Safes

Police Products

FRS & GMRS

Two-Way Radios by:

Motorola®

Kenwood®

Midland®

03/03/2000

TO WHOM IT MAY CONCERN:

Guardian has initiated corrosion and storage stability testing on BearGuard products.

As of today's date, we have arranged for an independent lab to assay BearGuard samples, and Guardian will sacrifice some 1 year old cans for corrosion testing in-house.

I expect these above-mentioned test to be complete by the end of March, 2000.

Sincerely,

Karl Scholz

From: Eric Burge <ericb@imt.net>
To: Mark Matheny <udap@primemedia.net>
Date: Monday, October 11, 1999 3:08 AM
Subject: Testimonial

On October 6, 1999, while bowhunting in SW Montana, I startled 3 large grizzlies, a sow and two nearly mature cubs. All three bears charged me from about 40 yards out, closing the distance between us to less than 10 yards in little more than a second. The leading sow continued her charge, head down, ears back, without breaking stride while the two others hung up slightly behind her. I was carrying the 260 gram size of UDAP pepper spray on my right hip with the hood off and stowed as recommended in your literature. I blasted a cloud out between us as quickly as I could. Although by this time she was only 20 feet away, a cross breeze dissipated the oily, orange mist. I let her have it again at 10-12 feet and discharged a final burst at 7-8 feet. The last burst nailed her square in the face and she stopped cold. The angry bear then popped her jaws, shook her massive head about and bolted over the rise from which I had just approached. The two others followed right on her heels. Although the sow was fiercely determined to attack me, I was able to effectively fend her off with no permanent injury to either of us.

When I first moved to grizzly country I carried a .357 magnum loaded with 180 grain cast core hunting rounds for backcountry safety. I decided to switch to UDAP pepper spray after reading numerous personal testimonies on your web site and I'm glad I did. Even though I carry the largest can currently available, it's still a weight savings of well over 2 pounds compared to my heavy pistol. It's non lethal which supports my own personal ethics as well as faster and easier to deploy than a firearm, especially under extreme duress. When not in the field my new found guardian now lives on my night stand for personal home security. I sleep very well indeed.

Thanks for creating such a valuable and ecologically conscience product. Your efforts are truly saving lives, and not just human!

Eric Burge

Bozeman, MT

TO:
Amy

Friday, October 8, 1999

- Bozeman Daily Chronicle -

Bozeman hunter stops charging grizzly with pepper spray

By JOAN HAINES
Chronicle Staff Writer

Eric Burge has worked as a whitewater stunt man and is accustomed to living on the edge, but he said he came a little too close to the edge Wednesday.

Burge, 40, had been looking for elk for a month this bowhunting season. An experienced hunter, this was his first time out with a bow. He was in Tom Miner Basin Wednesday near Steamboat Mountain in a whitebark pine stand at 9,200 feet.

He was dressed in camouflage and walking softly. He had seen grizzly scat in the area. He was alone.

"I was stealthing into the wind," the Bozeman hunter said. He knew he was not following the safety rules for prevent-



DEIRDRE EITEL/CHRONICLE

Eric Burge recounts how he stopped a charging grizzly sow with bear spray.

ing encounters with bears.

"I've been hunting and fishing all my life," Burge said. "I knew it was grizzly habitat. I knew a guy had been mauled at Black

Butte Creek. I knew there were elk in the area. I was willing to take the chance."

George Terry Langley Jr. of Seattle was badly injured by a sow grizzly in Yellowstone National Park on Sept. 22. That sow was with two other grizzlies, probably cubs, that were about the same size as the sow.

As Burge walked up a hill, he saw three grizzly bears come over a rise, possibly a sow with two cubs of similar size. They were only 40 to 45 yards away.

The three grizzlies charged immediately until they were about 15 yards away from him. One bear continued toward him, head down, ears back.

"I clicked into auto pilot," Burge said.

He sprayed the sow three times, first when she was 20 feet away, next at 15 feet

and finally at about 10 feet.

"She was trying to get around the cloud," Burge said. "I was just hoping the spray worked as it was advertised." He had bought the largest size and strongest mixture of UDAP, a pepper spray manufactured in Bozeman.

At about 7 feet, the grizzly stopped. "I got her good in the face," he said. The sow bolted in the opposite direction, followed by the two other bears.

"If I would have had a gun, I would have used it," said Burge, who had considered taking a gun on the hunt. However, he said, if he had shot at the bear and missed, he probably would have been attacked and injured. If he hadn't missed, the bear could have been killed.

He estimated the entire encounter last-

ed 20 seconds. He used only about half of the spray's container.

When the encounter was over, Burge was able to find an alternate three-mile route back to his truck with a Global Positioning System.

Burge intends to go into the backcountry again soon. "I'm out there, but probably not in the same whitebark pine stand," he said.

Grizzly specialist Kevin Frey, who works for the state Department of Fish, Wildlife and Parks, said because bowhunters are hunting quietly and since elk and bears use the same habitat, archers put themselves at higher risk.

"About the only thing they can do is be very alert to their surroundings," he said. "Two sets of eyes are better than one."

Madeenaska, Me.
September 25- 1999

UDAP Industries
Bozeman, Montana

Dear Sirs,

Here is an experience that
happened to me.

August 30, 1999 was the
first day for hunting black
bear, over bait, in Maine.

Early afternoon I replenished
the bait and by four o'clock
I was up in my tee stand.

Sometime after six P.M. a
cow and three small cubs
arrived.

While the ³ cubs went for
the bait, the sow came
straight for my ladder-
stand. She carefully smelled
the three lower steps then
went on to smell my foot
prints for ten yards down the
trail, came back and repeated
the same act once more. She
then went to the barrel of her
and started feeding.

A short time later the
sow suddenly stopped eating
and stood intently in a
different direction.

Then she turned towards her cubs and in a flash they were going up a large tree. Almost behind me I saw a

large bear coming under my stand. Thinking that I was going to take this one, using a long-bow, he had to be further away at a less steep angle for a shot. That did not happen. The defensive mother bear, in a second, was on top of the larger bear, a commotion that was happening less than twelve feet below me.

The intruding bear left. The sow turned back towards the bait and I decided to sit, then lie down halfway between my stand and the bait, apparently settling down and guarding it, maybe for the night.

The cubs were not coming down from up the tree and it was starting to get dark. I did not really want to spend the night in the stand. I talked to her but all she did was just look up at me and did not show any signs of wanting to leave.

Being unsure of what she
might do if I came down,
possibly the same thing she
did the other bear, made
me decide to use the "Papper
Power spray".

When that orange and
strong smelling fog hit her,
she took off instantly, and very
fast, twenty-five yards from my
stand and stayed there because her
cubs were still up the tree.

At that point I decided it
was time to try leaving when
I did with no problem. I
kept watching the sow and
she was doing the same to me

until we were far enough
apart.

Thank God and thank you
for "Papper Power"! I will
always carry this very effective
product whenever I am in the
woods again.

Sincerely yours
Sybil Lawler
42, 16th Avenue
Madawaska, Me. 04756
Tel. = 207-728-7001

DP BARCODE: D267021

CASE: 064255
SUBMISSION: S581512

DATA PACKAGE RECORD
BEAN SHEET

DATE: 06/27/00
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 351 RESUBMISSION
RANKING : 10 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 2.0200%
ID#: 071920-00001 BearGuard Bear Deterrent
COMPANY: 071920 GUARDIAN PERSONAL SECURITY PRODUCTS, INC.
PRODUCT MANAGER: 04 TINA LEVINE 703-308-7055 ROOM: CM2 219
PM TEAM REVIEWER: DANIEL PEACOCK 703-305-5407 ROOM: CM2 221
RECEIVED DATE: 03/09/00 DUE OUT DATE: 06/27/00

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 267021 EXPEDITE: N DATE SENT: 06/27/00 DATE RET.: / /
CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)
DP TYPE: 001

	CSF: N		LABEL: N	
ASSIGNED TO	DATE	IN	DATE	OUT
DIV : RD	/	/	/	/
BRAN: IRB	/	/	/	/
SECT: PM04	/	/	/	/
REVR :	/	/	/	/
CONTR:	/	/	/	/

ADMIN DUE DATE: 09/05/00
NEGOT DATE: / /
PROJ DATE: / /

* * * DATA REVIEW INSTRUCTIONS * * *

Bill,

Please:

1) note that UDAP will no longer distribute objectionable ad materials.

2) review complaints about ads of Counter Assault and Guard Alaska.

Thanks,

dan

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL
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600445 5/13/2000



5-581572



WASHINGTON

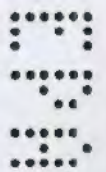
1101 17th Street, N.W.
Suite 500
Washington, D.C. 20036
Telephone 202 223-4392
Fax 202 872-0745

Dan Peacock
Insecticide-Rodenticide Branch
Registration Division (7505C)
Office of Pesticide Programs
1921 Jefferson Davis Highway
Arlington, VA 22202

March 7, 2000

**RE: UDAP Pepper Power Bear Deterrent
EPA Reg. No. 71920-1-72007**

Your email of Monday, March 6, 2000



SAN FRANCISCO

2700 Steuart Street Tower
One Market
San Francisco, CA 94105
Telephone 415 267-4119
Fax 415 267-4198

Dear Mr. Peacock:

In response to your email dated March 6, 2000, regarding advertising associated with the supplemental distributor product UDAP Pepper Power (EPA Reg. No. 71920-1-72007), I would like to advise the Agency that as of Friday, March 3, 2000, the advertising materials mentioned were removed from circulation (a copy of your email is attached). UDAP Industries will no longer distribute the advertising materials.

I would also like to advise the Agency that in the use of a comparison chart, UDAP Industries Inc. was imitating the advertising of other bear deterrent registrants. As such I would ask that the Agency also advise those registrants to no longer distribute their similar advertising. Based on recent research, I would also like to advise the Agency that other bear deterrent registrants are making false and misleading claims in conjunction with their EPA registered products. For your reference, attached to this letter you will find the following copies of available advertising from other bear deterrent registrants:

Counter Assault, EPA Reg. No. 55541-2

- 1) Bear Spray Comparison February 2000. Copy of a one page chart, dated February 2000, that is distributed by Counter Assault to dealers, sales representatives and users of the Counter Assault product. This chart compares the registered bear deterrent products that are currently in the marketplace.

Guard Alaska, EPA Reg. No. 71545-1

- 1) Guard Alaska - Ultramag Shotgun Series. Two page print-out from Guard Alaska website, printed on March 6, 2000. As you will note, the page refers



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SAN FRANCISCO

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One Market

San Francisco, CA 94105

Telephone 415 267-4119

Fax 415 267-4198

SACRAMENTO

712 Fifth Street

Suite A

Davis, CA 95616

Telephone 530 757-1298

Fax 530 757-1299

Page 2
March 7, 2000

to the EPA registered product as:

- "An invincible 20% ultra hot pepper spray."
- "Absolutely the most effective and powerful bear defense spray available today."
- "This product has proven so effective that it is the only one certified by EPA as a repellent for ALL SPECIES of bear!"
- "Our formula is scientifically proven superior..."

- 2) Registrations & Testimonials. One page print-out from Guard Alaska website, printed on March 6, 2000. Refers to registration of their product as "EPA Certification."
- 3) Description of Guard Alaska products. Three page print-out from Guard Alaska website, printed on March 6, 2000.

- Page one states "Our products can STOP a bear in its tracks. Imagine what it can do to an attacker." Below is a picture of the four products available (½ oz, 2 oz, 4 oz); however, the text implies that the smaller products could stop a bear, and/or the bear product could be used on a human attacker. It is reported, by visual inspection of Guard Alaska products in the marketplace, that all size Guard Alaska products have a picture of a bear on the label, thus implying that all size products could be used to deter a bear attack.
- Page one shows the EPA registered product as "EPA Certified."
- Page one also states "These are the MOST effective products available on the market today. Used for stopping personal assaults from stalkers, muggers, rapists, thieves, bears, badgers, dogs, etc...ANY animal or human will be instantly disabled." It is our understanding that dog deterrent



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Page 3
March 7, 2000

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capsaicin products must be registered by the EPA as a pesticide product. It is our understanding that Guard Alaska does not hold a registration for a dog deterrent product (NPIRS search on March 7, 2000). In addition, it is our understanding that including any other animals, such as moose, cougars, badgers, etc., or recommendations for use of a registered bear deterrent products on those animals, would require registration and supporting efficacy data. It is our understanding that to actively promote the use of the products on other animals, without EPA registration, is contrary to the product label (for the EPA registered bear deterrent) or is the sale of an unregistered pesticide (for the non-FIFRA human attack deterrent products).

- Page two provides comparison information against other products and states "Our products have undergone extensive field testing in the wilds of Alaska and are EPA certified to repel* bears in the wild."
- Page two also states "They contain the hottest active ingredient available in a base that actually opens the pores of the skin for incredible stopping power."

***Note:** It is our understanding that the Agency **specifically** does not want registrants to use the word "repel" or "repellent" in conjunction with these products so as not to confuse users as to their function.

- 4) The Truth About Pepper Spray, by Randall Prater. Two page print-out from Guard Alaska website, printed on March 6, 2000. In this article Mr. Prater explains that Schoville Heat Units (SHU) are not allowed by the Agency as a unit of active ingredient measurement; however, Guard Alaska continues to refer to its product as "20% ultra hot pepper," and according to visual reports, its product in the marketplace continues to list SHU on the EPA registered label.
- 5) What makes our products stand out? Press Release dated February



WASHINGTON

1101 17th Street, N.W.
Suite 500
Washington, D.C. 20036
Telephone 202 223-4392
Fax 202 872-0745

Page 4
March 7, 2000

1, 2000. Four page print-out from the Guard Alaska website, printed on March 6, 2000. This article states the following:

- "Guard Alaska Products have been proven to be effective and safe."
- "We do not recognize the percent of OC or Scollville Heat Units. This is a marketing ploy still being used by others in the industry." However, as seen on the Ultramag Shotgun Series website page for the Guard Alaska product, and as reported by visual inspection of Guard Alaska products in the marketplace, Guard Alaska continues to refer to its products by % OC and SHU.

SAN FRANCISCO

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San Francisco, CA 94105
Telephone 415 267-4119
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Once again, the advertising materials mentioned in your email message are no longer distributed by UDAP Industries, Inc. We ask that the Agency apply the same to the other registrants of bear deterrent products that are making similar advertising claims. We also ask that the Agency cause other registrants to cease selling or promoting the use of their products on other animals, such as badgers and dogs, unless registration is granted for those use sites.

I am available to answer any questions or comments you may have on this matter.

SACRAMENTO

712 Fifth Street
Suite A
Davis, CA 95616
Telephone 530 757-1298
Fax 530 757-1299

Sincerely,

Amy Plato Roberts
Regulatory Consultant for UDAP Industries, Inc.
Direct dial (202) 828-8964; email aroberts@tsgusa.com

cc: Mark Matheny, UDAP Industries, Inc.
Karl Scholz, Guardian Personal Security Products LLC
Tim Osag, EPA Region 8
Lyn Frandsen, EPA Region 10

bearman@udap

From: <Peacock.Dan@epamail.epa.gov>
To: <bearman@udap.com>
Cc: <guardianproducts@worldnet.att.net>; <Osag.Tim@epamail.epa.gov>;
<Lee.Bill@epamail.epa.gov>
Sent: Monday, March 06, 2000 12:35 PM
Subject: Unacceptable Advertising Associated with UDAP Pepper Power (71920-1-72007)

Mark,

I recently received three pages of information (a letter, a fact sheet, and a graph) that apparently you use in your advertising. It compares your product to other bear repellents. These pages contain many unacceptable statements, including:

1. claims not allowed on your parent product's labeling (for example, "hottest EPA Certified Bear Deterrents" and "highest concentration that the EPA will allow"),
2. comparisons of your product with other registered products,
3. implied endorsements by EPA.

Such advertising must stop at once. You are subjecting your company and Guardian's company, which is responsible for statements that you make about the product, to potential enforcement action, which can result in severe fines.

Claims made in advertising must not exceed claims those made as part of registration.

We will review this material in depth and supply you and the appropriate EPA regions with the results. In the interim, you must stop using these materials.

Please confirm that you will not use these materials.

Dan Peacock
703-305-5407

3/6/00

This what Counter Assault is sending out to Dealers

BEAR SPRAY COMPARISON February 2000

Ingredients/Attributes	Counter Assault (Counter Assault) Made in Montana	Guard Alaska (McNeil River Enterprises) Made in Maryland	Bear Guard (Guardian) Pepper Power *(UDAP) Bear Peppermace *(MSI) Made in Arizona
Meets All IGBC guidelines	Yes	NO	NO
Net Weight - ounces	8.1	9.	7.9
% Capsaicin & Related Capsaicinoids	1.73	1.3	2.0
Derived from (OC) Oleoresin Capsicum	Yes	Yes	Yes
Megaphone Shaped Cloud	Yes	Yes	Yes
Minimum Range	30 ft	15-20 ft	30 ft
Time of Continuous Spray	7 seconds	9 seconds	4 seconds
EPA Registered	Yes	Yes	Yes

Additional Marketing/Packaging

Glow in the Dark Safety Wedge	Yes	NO	Yes (Guardian) Yes (UDAP) ? (MSI)
Safety cable tie prevents accidents in stores	Yes	NO	NO
Elastic String prevents loss of Safety Wedge	Yes	NO	? (Guardian) Yes (UDAP) ? (MSI)

* Pepper Power (UDAP) and Bear Pepper Mace (MSI) are manufactured by Guardian which also makes Bear Guard - all attributes are identical except for the labeling.

Comparison results were compiled by Counter Assault using product labeling, brochures and EPA notifications as of February 2000. As further information is made available, this Bear Spray Comparison information sheet will be revised.

Protect Yourself!



Guard Alaska™
All Pepper Sprays
Personal Protection Systems



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Articles

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Ultramag Shotgun Series

- 9 Ounce Supersize.
- Range of spray: Approximately 15-20 feet.
- Dimensions: Height: 8-3/4" x Width: 2"
- An invincible 20% ultra hot pepper spray.
- Absolutely the most effective and powerful bear defense spray available today.
- This product has proven so effective that it is the only one certified by the EPA as a repellent for ALL SPECIES of bear!
- Environmentally safe! Does not contain flammable or ozone depleting substances.
- Our formula is scientifically proven superior, and endorsed by the Alaska Science & Technology Foundation.
- Six years of extensive testing in the wilds of Alaska.
- Price - \$44.95
- Shipping Info

Add to Shopping Cart
(you can always remove it later)

Accessories - Holsters

- Ripoffs™ Holsters.
- Highest quality ballistic holsters.
- Lightweight polypopylene.
- Quick release flap for immediate access.
- 2 styles available for 9 oz. Shotgun cannister.

Deluxe Belt Loop
holster

Deluxe Clip-On
holster



holster
Price - \$11.95

Add to Shopping Cart
(you can always remove it later)

holster
Price - \$14.95

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(you can always remove it later)



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**Guard Alaska products are manufactured with pride by:
McNeil River Enterprises, Inc.**

Corporate Headquarters
750 W. Diamond, Suite 203
Anchorage, Alaska 99515
Dial Toll-Free 1-888-419-9695
Alaska Residents - Dial (907) 349-6868
FAX: (907) 349-7818

Distribution Center
3422 W. Whilshire Dr. Suite 17
Phoenix, AZ 85009
Voice: 1-602-278-1140
Fax: 1-602-278-4850

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**Registrations & Testimonials****COUNTER ASSAULT**[Product Information](#)[Ordering Information](#)[Registrations & Testimonials](#)[Common Questions](#)[Go to Home Page](#)[Online Ordering](#)

FAA regulations do not allow more than 4oz of pepper spray in packed luggage.

Air carriers vary, so check with your carrier for their requirements to transport the 8.1oz (230g) pepper spray canister.

[Bear Country Testimonials](#) · [Law Enforcement Testimonials](#)**EPA Certification**

Counter Assault is registered with the Environmental Protection Agency for use as a bear deterrent.

Canadian Certification

Counter Assault is certified by Canada Health for use as a bear deterrent. For orders in Canada, please contact our Canadian distributor.

[Product Information](#) -- [Ordering Information](#)
[Registrations & Testimonials](#) -- [Common Questions](#)

© 1999 Counter Assault
counter@counterassault.com
(800) 695-3394

120 Industry Ct. · Kalispell, MT 59901



**Protect
Yourself!**



Our products can STOP a bear in it's tracks.

Imagine what it can do to an attacker!

The Truth

Products

News & Info

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Every year in the United States, over 1 million people are assaulted. Over 100,000 raped. DON'T BECOME A STATISTIC! Be prepared. Protect yourself. Protect your loved ones. Use Guard Alaska Pepper Spray. Six years of extensive testing in the Wilds of Alaska! This is the Real Deal.

This one
Stops Bears!

Police and
Nightwatchmen
use this one!

Larger sizes
for more
protection

Perfect for
pocket or
purse!



For instantly disabling an assailant and stopping an assault.

Our pepper spray products contain the hottest active ingredient available! They actually open the pores of the skin and penetrate the mucous membranes.

These are the MOST effective products available on the market today. Used for stopping personal assaults from stalkers, muggers, rapists, thieves, bears, badgers, dogs, etc... ANY animal or human will be instantly disabled. Be safe. Be prepared!

Guard Alaska. Because our quality could be your last line of defense.

NO ONE should be without their HOT LIPS!!!

DEVELOPED, TESTED, AND PROVEN IN THE WILDS OF ALASKA

Water, oil and alcohol based sprays are gone forever. Today's consumer wants the effective security that comes from using Guard Alaska Personal Defense Systems. Unlike the other manufacturers of personal defense sprays, Guard Alaska products contain no ineffective ingredients. Water-based sprays are, by their nature, ineffective (water is the natural antidote for the active ingredient, capsaicin. Imagine that - the antidote as part of the formula...) Oil-based sprays tend to bead-up and roll off the intended surface and are flammable, and alcohol based sprays are extremely flammable.

Guard Alaska's formula is scientifically proven superior, and endorsed by the Alaska Science & Technology Foundation. Our sprays are very different from the others. They contain the hottest active ingredient available in a base that actually opens the pores of the skin for incredible stopping power. But Guard Alaska does not stop there. Our sprays also penetrate the mucous membranes, making them the most effective available. ★

Our products have undergone extensive field testing in the wilds of Alaska and are EPA certified to repel bears in the wild. If our product will stop a wild bear, a human assailant pales in comparison. Have the satisfaction and peace-of-mind in knowing that you possess the safest, most-effective and highest-quality defense spray sold anywhere today. ★



Click on the picture to view a Real Video™ clip
of our Guard Alaska product in action.

If you do not have Real Player - Get it here!



Guard Alaska Contact Information

For Sales information	sales@guardalaska.com
For Dealer/Distributor information	dealerinfo@guardalaska.com
Randal Prater - President	randy@guardalaska.com
Teresa Castaneda - Office Manager	tc@guardalaska.com
Vinnie Chiarenza - National Marketing Director	vc@guardalaska.com
Tad Weber - Shipping Manager	tw@guardalaska.com

**Guard Alaska products are manufactured with pride by:
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Dial Toll-Free 1-888-419-9695
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001319

Visitors since August, 1999

Protect Yourself!



are NOT the same!



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THE TRUTH ABOUT PEPPER SPRAY

BY RANDALL PRATER

In any aerosol product, there are three components; The active ingredient, the carrier or base, and the propellant. In pepper spray the active ingredient is capsaicin, **not oleoresin capsicum(OC)**. The total capsaicin in a pepper spray can be thought of in the same manner as the octane rating in gasoline. It is in reality the qualitative strength rating of pepper spray. In the past, Schoville Heat Units (SHU's) was a rating used as a marketing ploy to sell pepper sprays. SHU's are determined by a taste test and are not recognized by the E.P.A. or any laboratory in the industry because of their obvious inaccuracy.

A pepper spray that reads 10%, 15% or 20% tells the consumer that, by volume, the formula contains that respective percent of OC. The percent of OC does not tell the consumer the qualitative strength of the active ingredient -- capsaicin. The A.O.A.C. method for testing oleoresin capsicum is the only method recognized worldwide. The three capsinoids that make up the percent of total capsaicin are the following: Capsaicin(% C); Dihydro-capsaicin(%DHC); and Nordihydrocapsaicin(%NDC).

The carrier/base is also a significantly important, integrated part of the pepper spray. Historically, distilled water, vegetable oil or mineral oil has been used as a carrier for pepper sprays. It is well known that **water is the antidote to capsaicin**. Those pepper sprays using distilled water as their carrier are usually priced very low and found to be ineffective. Animals, as like humans, possess oils and fatty tissues on their skin to protect them from burns and damage caused by the sun's harmful UV rays. Vegetable and mineral oil do nothing more than add additional protection to the skin and mucous membranes, thus reducing the overall effectiveness or the active ingredient, capsaicin. It is

also known that capsaicin can be destroyed by the suns UV rays within a period of 48 hours, leaving nothing more than the carrier, be it vegetable oil or mineral oil, which alone attracts all bear species.

The last component of pepper spray is the propellant. The propellant's sole purpose is to dispense both the active ingredient and the carrier. The propellant should be an environmentally safe ingredient that does not contain flammable or ozone depleting substances.

In our research, we at McNeil River Enterprises, Inc., Manufacturer of Guard Alaska© Personal Protection Systems, have found that capsaicin alone will not deter an aggressive animal attack or human assailant. Guard Alaska products are unique from all other pepper sprays. Instead of the conventional carriers used, our products contain a carrier/base that removes the protective oils from the skin and mucous membranes, and actually opens the pores of the skin, allowing the active ingredient -- capsaicin to penetrate, thus increasing its overall effectiveness. Our carrier has a greater density than that of water, thus allowing it to displace water. This is a desirable trait for use when the animal or human assailant is wet from rain or other causes.

McNeil Enterprises, Inc. does not recognize SHU's nor do we advertise SHU's on our products. Under the pesticide/repellant act, the E.P.A. requires the percentage of total capsaicin (not OC) to be 1%. Guard Alaska products go over and above the E.P.A. standard for total capsaicin by maintaining a 1.3% capsaicin total in all of our products.

Randal Prater

President,
McNeil River Enterprises, Inc.

**Guard Alaska products are manufactured with pride by:
McNeil River Enterprises, Inc.**

Corporate Headquarters
750 W. Diamond, Suite 203
Anchorage, Alaska 99515
Dial Toll-Free 1-888-419-9695
Alaska Residents - Dial (907) 349-6868
FAX: (907) 349-7818

Distribution Center
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Phoenix, AZ 85009
Voice: 1-602-278-1140
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Protect Yourself!**Guard Alaska™**
All Pepper Sprays
Personal Protection Systems

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Press Release - February 1, 2000 -- Phoenix, Arizona

What makes our product stand out?

Guard Alaska Personal Protection Systems product lines are very different from Mace 10% Pepper Foam with UV Dye 2.36. Guard Alaska products do not use UV Dye. If UV Dye is being used, it is likely the pepper foam is not effective or does not do its job. Guard Alaska NS2FH and NS4FH (Foam) incapacitates the assailant up to forty minutes without any permanent damage or long term effects.

Our formulation has been tested on laboratory animals required by the US EPA. The testing completed is as follows: Analytical, Toxicology, Eye and Dermal. Guard Alaska Products have been proven to be effective and safe. Efficacy Data is also required to insure that the products work.

US EPA requires Shelf Life Studies to ensure there is no degradation, corrosion or separation of the phases in this type of product. Separation of the Phases is very important. If a Product has a shelf life, Degradation, Corrosion and Separation of the Phases are present. Separation of the Phases is when the active ingredient separates from the other inert ingredients and sticks to the inside of the aerosol can. Degradation and Corrosion is a break down of the physical components and formula, Can, Valve, Tube and Gasket Material. This will result in leaking cans, loss of propellant or failure of the products performance. Guard Alaska is not required to attach a shelf life information on products.

Guard Alaska Personal Protection Systems assays each product for the active ingredient, CAPSAISIN and related CAPSAICINOLIDS. This is also required by the US EPA. We do not recognize the percent of OC or Scoville Heat Units. This is a marketing ploy still being used by others in the industry. In no way does either of these terms tell the consumer the Qualitative Strength of Pepper Spray. Guard Alaska does formulate using 10% & 20% OC by volume. Each container of OC purchased is assayed for the active ingredient and must pass our requirements before we except shipment.

Bill
Larsh

shipment.

Quality Control is very important due to the use of these products in Life Threatening Encounters. We do not use vanillyl pelargonamide, V/P) a synthetic man made compound found in pepper sprays as a cheap replacement for Capsaicin.

Press Release - November 23, 1999 -- Missoula, Montana

Concerned that a spray intended to deter bear attacks on humans may not be effective, the U.S. Environmental Protection Agency today ordered the Missoula, Montana-based manufacturer of "Bear Pause" to halt sales immediately.

EPA will also ask distributors to pull the product from their shelves and advises people who bought the spray not to rely on it. Bear Pause is made by ChemArmor of Missoula and carried an EPA registration number (EPA Reg. No.71768-1).

At issue is the chemical formula used in the spray. Capsaicin, the chemical that makes hot peppers hot, is an EPA-approved active ingredient in pepper sprays used to deter attacks by dogs and bears. While EPA had approved a purified form of capsaicin in BearPause in March 1999, EPA learned that ChemArmor, without Agency approval, had substituted a much cheaper and untested active ingredient in Bear Pause, vanillyl pelargonamide, "VP" for short.

While belonging to the same chemical family (capsaicinoids) and incorrectly called "synthetic capsaicin," VP is chemically distinct from capsaicin and is not used as the active ingredient in any registered product in the U.S. EPA does not have reliable data on its chemistry, toxicity, ecological effects or effectiveness.

"We don't want people going into bear country with a product on their hip that may not do its job if needed," said Tim Osag who enforces pesticide law for EPA's Denver regional office.

"ChemArmor could apply to register Bear Pause with VP," Osag said, "but they would have to provide data about its chemistry, its health and environmental effects, and its effectiveness. They didn't do that. In their original application, they stated that capsaicin would be the active ingredient. We know capsaicin sprays are effective. We can't say that about VP."

sprays are effective. We can't say that about VP."

EPA is charged with oversight of thousands of products in commerce. Makers of "pesticide" chemicals from disinfectants to lawn chemicals to bear sprays must register their products with the Agency. They provide information to EPA about contents, formulas, uses and hazards. It is illegal to submit incorrect information in that process. Osag said the Agency is considering additional enforcement and registration options besides the "stop sales."

"Right now, the most important thing is to get the material off the market and get the word out to back-country users," Osag said.

EPA has not received evidence of similar problems with other bear-deterrents on the market. As part of its normal monitoring work, however, the Agency may test similar products in the future to verify that they contain capsaicin and not VP, Osag said.

A list of properly registered bear deterrents is attached to this news release and is also available on EPA's Internet site at <http://www.epa.gov/region08/toxics/pests/repelbr.html> or by calling (800) 227-8917 (from CO, MT, ND, SD, UT and WY) or (303) 312-6312 from outside EPA's Region 8.

Press Release - November 1, 1998 -- Anchorage, AK & Phoenix, AZ

After six years of extensive testing both in the field and laboratories, Guard Alaska Personal Protection Systems is launching their product line in the lower 48 states as well as worldwide. This product line was developed by Randal Prater. Randy has lived in Alaska for 22 years and was acutely aware of the fact that many so-called bear repellents on the market were at best ineffective on all species and, at worst, were useless. The first product developed was Guard Alaska Bear Repellent Spray. This product has proven so effective that it is the only product certified by the EPA as a repellent for ALL SPECIES of bear. In a statement he put out, Prater notes that, "...in pepper spray, the active ingredient is capsaicin, not oleoresin capsicum (OC). The total capsaicin in a pepper spray can be thought of in the same manner as the octane rating in gasoline. It is in reality the qualitative strength rating of pepper spray. " Some of the pepper sprays on the market today use water as a carrier for the

market today use water as a carrier for the oleoresin capsicum, Prater states. "...You see, water is the antidote for pepper spray. Can you imagine a product that uses the antidote for the carrier? Some of them use an oil base. That's just as bad, because it can bead up and roll off, especially if the animal or other threat is wet. Still others advertise heat units. What the public doesn't know is that the heat test is merely a taste test. It in no way measures the efficacy of the product. We have done laboratory testing to ensure that our entire product line of personal defense sprays exceed the standards set by the EPA. And though I will tell you that our carrier is not water or oil based, I won't tell what it is -- That's our trade secret. I will tell you that it breaks down the naturally occurring oils in the skin and mucous membranes and actually opens the pores of the skin, making it the most effective product on the market." The Guard Alaska product line includes the UltraMag Shotgun Series, an invincible 20% ultra hot pepper spray, packaged in a 9-ounce supersize (quick release belt holster for this product also available) and said to be "absolutely the most effective and powerful bear defense spray made." The rest of the Guard Alaska product line are all 10% ultra hot pepper spray and include the Magnum Series of keychain attachable hard plastic case containers which hold replaceable 1/2-ounce to 1 1/2-ounce size spray canisters, either sold alone or with a hard plastic carry case; The Hot Lips Series of 1/2-ounce to 3/4-ounce spray canisters, sold either by themselves or with an attractive soft carry case that can be attached to a keychain or clipped to clothing (available in several attractive colors); and the Night Shift Series, designed for security guards and night watchmen and available in 2-ounce and 4-ounce sizes with case in either spray or spray foam. Guard Alaska products are being used in four states by the US Postal Service, the US Army in Anchorage, Alaska, the US Fish & Wildlife Service in the Alaska National Parks, and by many hunters and outdoor enthusiasts.

**Guard Alaska products are manufactured with pride by:
McNeil River Enterprises, Inc.**

Corporate Headquarters
750 W. Diamond, Suite 203
Anchorage, Alaska 99515
Dial Toll-Free 1-888-419-9695
Alaska Residents - Dial (907) 349-6868
FAX: (907) 349-7818

Distribution Center
3422 W. Whilshire Dr. Suite 17
Phoenix, AZ 85009
Voice: 1-602-278-1140
Fax: 1-602-278-4850

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United States
Environmental Protection Agency
 Office of Pesticide Programs (7505C)
 Washington, DC 20460

44 A 1-3

Notice of Supplemental Distribution of a Registered Pesticide Product

Instructions

After a registrant has obtained final registration for the basic product, the registrant may then supplementally distribute his/her product. One form must be submitted for each distributor product and must be signed by the distributor involved. The basic registration number and the distributor company number must be shown.

If a registrant has a potential distributor who does not have a company number assigned, she/he should have the distributor apply, on letterhead stationery, to the Registration Division to have a number assigned prior to submitting this form to the agency.

This Notice of Supplemental Distribution must be submitted by the basic registrant. The completed form must have the concurrence and signature of both the registrant and the distributor.

EPA Registration Number of Product

71920-1

72007-1

Distributor Company Number

VTN SR dba Anco Enterprises, Inc. 73996

Note: Do not submit distributor product labels

Name of Registered Product (basic product name accepted by EPA)

BEARGUARD

Distributor Product Name

Pioneer

Name and Address of Distributor (Type; include ZIP code)

Anco Enterprises, Inc.
 3923 East Thunderbird Road
 #26-156
 Phoenix, AZ 85032

Need co #

Read All Conditions Before Signing

1. The distributor product must have the same composition as the basic product.
2. The distributor product must be manufactured and packaged by the same person who manufactures and packages the registered basic product.
3. The labeling for the distributor product must bear the same claims as the basic product, provided, however, that specific claims may be deleted if by doing so, no other changes to the label are necessary.
4. The product must remain in the manufacturer's unbroken container.
5. The label must bear the EPA registration number of the basic product, followed by a hyphen and the distributor's company number.
6. Distributor product labels must bear the name and address of the distributor qualified by such terms as "packed for...", "distributed by..."; or "sold by..." to show that the name is not that of the manufacturer.
7. All conditions of the basic registration apply equally to distributor products. It is the responsibility of the basic registrant to see that all distributor labeling is kept in compliance with requirements placed on the basic product.

Distributor

We intend to market our product under the Distributor Product Name specified above, subject to the conditions specified on this Notice.

Signature and Title of Distributor

Ann Marie Scott President

Date: 12/1/00

Registrant

I agree that the distributor named above may distribute and sell the Distributor Product specified above, subject to the conditions specified on this Notice.

Signature and Title of Registrant

VP

Date

12-19-00

Paperwork Reduction Act Notice

The annual respondent burden for the Notice of Supplemental Distribution of a Registered Pesticide Product is estimated to average 15 minutes per response, including time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information. Send comments regarding this burden, to Chief, Information Policy Branch, 2136, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460; and to Paperwork Reduction Project (OMB No. 2070-0044), Office of Management and Budget, Washington, DC 20503, Marked "Attention Desk Officer for EPA."

3456

DP BARCODE: D266974

CASE: 064255
SUBMISSION: S581388

DATA PACKAGE RECORD
BEAN SHEET

DATE: 06/26/00
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 305 TECH-LBL REV AMND DATA RE
RANKING : 10 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 2.0200%

ID#: 071920-00001 BearGuard Bear Deterrent
COMPANY: 071920 GUARDIAN PERSONAL SECURITY PRODUCTS, INC.
PRODUCT MANAGER: 04 TINA LEVINE 703-308-7055 ROOM: CM2 219
TEAM REVIEWER: DANIEL PEACOCK 703-305-5407 ROOM: CM2 221
RECEIVED DATE: 04/21/00 DUE OUT DATE: 10/28/00

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 266974 EXPEDITE: N DATE SENT: 06/26/00 DATE RET.: / /
CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)
DP TYPE: 001

	CSF: N		LABEL: Y	
ASSIGNED TO	DATE	IN	DATE OUT	ADMIN DUE DATE: 11/23/00
DIV : RD	/	/	/	NEGOT DATE: /
BRAN: IRB	/	/	/	PROJ DATE: /
SECT: PM04	/	/	/	
REVR : <i>my</i>	6	26/00	9/5/00	<i>OBJ!!</i>
CONTR:	/	/	/	

* * * DATA REVIEW INSTRUCTIONS * * *

Bill,

Review supplemental labeling please.

Dan

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL
-------	----------------	----------	----------	-----	-----	-------

Send to Bill

FRONT END PROCESSING APPLICATION INFORMATION CHECK LIST

PM 04

EPA COMPANY NUMBER 71920-1

EPA REGISTRATION NUMBER STATUS
(FOR AMENDMENTS)

ACTIVE ☒ CANCELLED ☐
NOT IN REFS ☐

"ME-TOO" CITED PRODUCT STATUS

ACTIVE ☐ CANCELLED ☐
NOT IN REFS ☐

OPP# 264942 DATE 4-25-00

AMENDMENT

APPLICATION FOR AMENDMENT

WITH DATA

INIT.

DATE

FEU _____

SIG (DATA) _____

PM _____

OPP # 264942

WITHOUT DATA

INIT.

DATE

FEU JW 4-25-00

PM 04



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

04/25/2000

AMY PLATO
TECHNOLOGY SCIENCES GROUP, INC.
1101 17TH STREET, N.W., SUITE 500
WASHINGTON DC 20036

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

PRODUCT NAME: BEARGUARD BEAR DETERRENT
COMPANY NAME: TECHNOLOGY SCIENCES GROUP, INC
OPP IDENTIFICATION NUMBER: 264942
EPA REGISTRATION NUMBER: 71920-1
EPA RECEIPT DATE: 04/21/2000

SUBJECT: RECEIPT OF AMENDMENT

DEAR REGISTRANT:

The Office of Pesticide Programs has received your application for an amendment and it has passed an administrative screen for completeness.

During the initial screen we determined that the application qualifies for fast track review. The package will now be forwarded to the Product Manager for review to determine its acceptability.

If you have any questions, please contact Insect/Rodent Br., Product Manager 04, at (703) 305-5404.

Sincerely,

J. Wrice

Front End Processing Staff
Information Services Branch
Program Management and Support Division



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☒ Amendment
☐ Other

OPP Identifier Number

264942

Application for Pesticide - Section I

1. Company/Product Number

71920-1

2. EPA Product Manager

DAN PEACOCK

3. Proposed Classification

☒ None ☐ Restricted

4. Company/Product (Name)

BearGuard Bear Deterrent

PM#

Insecticide-Robotnik's BRANCH

5. Name and Address of Applicant (Include ZIP Code)

Guzman Personal Security Products

21639 N. 14th Ave

Phoenix AZ 85027



Check if this is a new address

6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to:

EPA Reg. No. _____

Product Name _____

Section - II

☒ Amendment - Explain below.

☐ Resubmission in response to Agency letter dated _____

☐ Notification - Explain below.

☐ Final printed labels in response to Agency letter dated _____

☐ "Me Too" Application.

☐ Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Application for label amendment to add supplemental labeling.

Section - III

1. Material This Product Will Be Packaged In:

Child-Resistant Packaging

☐ Yes*
☐ No

Unit Packaging

☐ Yes
☐ No

Water Soluble Packaging

☐ Yes
☐ No

2. Type of Container

☐ Metal
☐ Plastic
☐ Glass
☐ Paper
☐ Other (Specify) _____

Certification must be submitted

If "Yes" Unit Packaging wgt.

No. per container

If "Yes" Package wgt

No. per container

3. Location of Net Contents Information

☐ Label ☐ Container

4. Size(s) Retail Container

5. Location of Label Directions

☐ On Label
☐ On Labeling accompanying product

6. Manner in Which Label is Affixed to Product

☐ Lithograph
☐ Paper glued
☐ Stenciled

☐ Other _____

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name

Title

Telephone No. (Include Area Code)

Certification

I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment both under applicable law.

2. Signature

3. Title

Regulatory Consultant

4. Typed Name

5. Date

Amy Plato Roberts

April 20, 2000

6. Date Application Received

(Stamped)

PAPERWORK REDUCTION ACT NOTICE and INSTRUCTIONS

PAPERWORK REDUCTION ACT NOTICE: Public reporting burden for this collection of information is estimated to average 0.85 hour per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, (2136), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

INSTRUCTIONS: This form is to be used for all applications for new registration, and use reregistration, amendment, resubmission, to applications for notifications, final printed labeling, reregistration, etc. In order to process an application for a new registration submitted on this form, the following material must accompany the application:

1. Certification with Respect to Citation of Data (EPA Form 8570-29). [If not exempted by 40 CFR 152.81 (b) (4)];
2. Confidential Statement of Formula (EPA Form 8570-4);
3. Formulator's Exemption Statement (EPA Form 8570-27);
4. Five copies of draft labeling;
5. Three copies of any data submitted;
6. Authorization letter where applicable;
7. Matrices where applicable.

Submission of Labeling - Labeling should first be submitted in the form of draft labels with all applications for new registration. Such draft labels may be in the form of typed label text on 8.5 x 11 inch paper for submission or a mockup of the proposed label. If prepared for mockup, it should be constructed in a way as to facilitate storage in an 8.5 x 11 inch file. Mockup labels significantly smaller than 8.5 x 11 inches should be mounted on 8.5 x 11 inch paper for submission.

Submission of Data - Data submitted in support of this application must be submitted in accordance with PR Notice 86-5.

SPECIFIC INSTRUCTIONS: Please read the instructions listed below before completing this application. First determine the type of registration action, listed in Block A, for which you are submitting this application. For applications submitted in connection with New Registration actions, Sections I, III, and IV must be completed by the applicant. For applications submitted in connection with amended reregistration actions, resubmissions, notifications, reregistrations, etc., Sections I, II, and IV must be completed by the applicant.

Block A - Check the appropriate action for which you are submitting this form.

SECTION I - This section must be completed, as applicable, for all registration actions.

1. **Company/Product Number** - Insert your Company Number, if one has been assigned by EPA. This number may have been assigned to you as a basic registrant, a distributor, or as an establishment. If your product is registered, insert the Product Number.
2. **EPA Product Manager** - If known, fill in the name and PM number of the EPA Product Manager.
3. **Proposed Classification** - Specify the proposed classification of this product.
4. **Product Name** - Enter the complete product name of this pesticide as it will appear on the label. The name must be specific to this product only. Duplication of names is not permitted among products of the same company. Do not include any brand name or company line designations.
5. **Name and Address of Applicant** - The name of the firm or person and address shown in your application is the person or firm to whom the registration will be issued. If you are acting in behalf of another party, you must submit authorization from that party to act for them in registration matters. An applicant not residing in the United States must have an authorized agent residing in the United States to act for them in all registration matters. The name and complete mailing address of such an agent must accompany this application.
6. **Expedited Review** - FIFRA section 3 (c) 3 (B) provides for expedited review of applications for registration, or amendments to existing registration that are similar or identical to other pesticide products that are currently registered with the EPA. In order for your application to be eligible for expedited review, you must provide us with the EPA Registration Number and product name of the product you believe is similar to or identical to your product. The product must be similar or identical in both formulation and labeled uses.

SECTION II - This section must be completed for all applications submitted to amend the registration only of a currently registered product (Amendment), for a resubmission in response to an Agency letter, for notifications to the Agency, for the submission of final printed labeling, for reregistration and for any other action that pertains to a specific EPA-registered product. This section is not to be used for a new application for registration.

1. **Subject of submission** - Check the applicable block and provide the Agency letter date if appropriate. Provide a brief explanation of the purpose(s) for the submission, such as "the addition of a site, pest or crop (specify)"; "amend the Confidential Statement of Formula by..."; "reregistration submission"; "general label revision of use directions." Attach a separate page if additional space is needed.

SECTION III (Packaging and Container Information) - This Section must be completed for all applications submitted in connection with new registration or applicable amendments.

1. **Type of Packaging** - Check the appropriate block if your product will be packaged in the indicated packaging types. Indicate the size of the individual packets and number per retail container.
2. **Type of Retail Container** - Indicate type of container in which product will be marketed.
3. **Location of Net Contents** - Indicate the location of the net contents information for your product.
4. **Size(s) of Retail Container** - Specify the net contents of all retail containers for your product.
5. **Location of Use Directions** - Indicate the location of the use directions for your product.
6. **Manner in which label is affixed to product** - Indicate the method product label is attached to retail container.

SECTION IV (Contact Point) - This Section must be completed for all applications for Registration actions, i.e., new products registration, resubmission, "me-too," reregistration, etc.

- 1-5. Self-explanatory.
6. EPA Use Only.



April 20, 2000

WASHINGTON

1101 17th Street, N.W.
Suite 500
Washington, D.C. 20036
Telephone 202 223-4392
Fax 202 872-0745

Dan Peacock
Insecticide-Rodenticide Branch
Registration Division (7504C)
Office of Pesticide Programs, EPA
1921 Jefferson Davis Highway
Arlington, VA 22202

RE: **BearGuard™ Bear Deterrent**
EPA Registration Number 71920-1
Application for a label amendment

Dear Mr. Peacock:

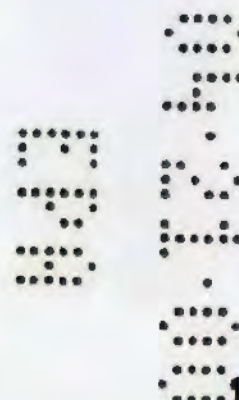
Technology Sciences Group Inc., on behalf of Guardian Personal Security Products LLC, with this letter submits an application for a label amendment to the above registered product. As is on file with the Agency, Guardian maintains a supplemental distributor registration of the product with UDAP Industries, Inc. (name: UDAP Pepper Power Bear Deterrent, EPA Reg. No. 71920-1-72001). In the commercial sale of its product, UDAP Industries is proposing to market the product in a plastic clamshell, with a paper insert. The paper insert will make additional claims for the product, as well as provide contact information. Because the unit will be sold as a whole, we believe the paper insert and its text should be supplemental labeling of the BearGuard™ basic registration, and thus are submitting a label amendment to add the text. In support of an amendment, enclosed you will find the following:

- 1) Application form (*OPP Identifier No. 264942*).
- 2) One copy of the informational sheet for dealers that shows the complete packaging.
- 3) One copy of the EPA-stamped approved label for the product.
- 4) One copy of the supplemental distributor label for the product.
- 5) Five (5) copies of the proposed supplemental labeling, to be added to the existing product label on file.

No changes are made to the existing label for the product. Please contact me directly with any questions or comments you have.

Sincerely,

Amy Plato Roberts
Regulatory Consultant for Guardian Personal Security LLC
Direct dial (202) 828-8964



SAN FRANCISCO

2700 Steuart Street Tower
One Market
San Francisco, CA 94105
Telephone 415 267-4119
Fax 415 267-4198

SACRAMENTO

712 Fifth Street
Suite A
Davis, CA 95616
Telephone 530 757-1298
Fax 530 757-1299

Items

#12HP, #12CP, #15HP, #15CP (#15HP pictured)

New Tamper-proof package
Hanging or counter freestanding

Sample dealer hand-out
that shows picture of
complete packaging



bear deterrent

• Proven in dozens of
wildlife attacks

• Holsters designed for
Immediate access

• Preferred by Backcountry
Outfitters & Professionals

30 Foot Fog



OUR BEAR DETERRENT SPRAYS ARE EPA
REGISTERED FOR 2000 IN THE FOLLOWING
45 STATES:

AL	GA	MD	NH	OK	UT
AK	ID	MA	NJ	OR	VA
AZ	IL	MI	NM	PA	VT
AR	IN	MN	NY	SC	WA
CO	KS	MO	NC	SD	WY
DC	KY	MT	ND	TN	WI
DE	LA	NE	OH	TX	WY
FL	ME	NV			

Anticipated in CA by June 2000

(CANADA Inquiries Welcome)



50% of actual size

Actual size: 7-1/2" x 12" x 2-1/4" base

**HOTTEST
FORMULA
MADE**
EPA Registered

DIRECTIONS FOR USE (continued)

APPLICATION DIRECTIONS: (continued)

To arm and apply:

Place forefinger through loop in handle with thumb on curl of safety clip {fig.1}. With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb releasing a 1 second burst of spray {fig.2}. This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

To disarm:

Replace safety clip as illustrated {fig.3}.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID- IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

ENVIRONMENTAL HAZARDS: Do not apply directly to water. Do not contaminate water by disposing of unused material.

COPY

BearGuard™

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS. IT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients:

Capsaicin and related capsaicinoids*.....2.0%

Inert Ingredients.....98.0%

TOTAL.....100.0%

*Made from Oleoresin of Capsicum

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 140°F or below 32°F.

DISPOSAL: When empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE Guardian Personal Security Products, LLC

21639 N. 14th Ave.
Phoenix, AZ 85027

1-800-527-4434 (602) 582-1070

CHEMICAL EMERGENCY: 1-800-493-9300

EPA Registration No: 71920-1 EPA Est. No: 071920-AZ-001

NET CONTENTS: 7.9 ounces (225g) or 9.2 ounces (260g)

Disclaimer: To the extent allowed by law, Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an on-going research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434 for details.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS:

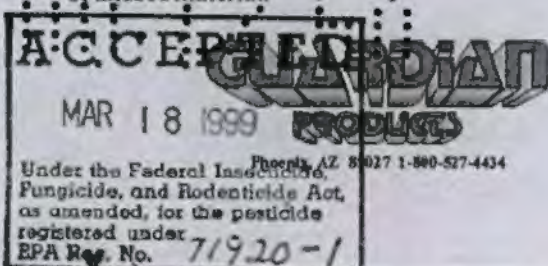
This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.



This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds [225-g container] 5.4 seconds [260-g container]

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

(DIRECTIONS FOR USE are continued in the next column.)



PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS & DOMESTIC ANIMALS

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID

IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water by disposing of unused material.

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120°F or below 32°F.

DISPOSAL: When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE

Disclaimer: To the extent allowed by law, UDAP Industries, Inc. shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. **Note:** As part of an ongoing research project, UDAP Industries needs your true account of Pepper Power use against bear attacks. Please call 1-800-232-7941 for details.

UDAP **pepper**
power



**bear
deterrent**
pepper spray

**DO NOT SEEK OUT ENCOUNTERS WITH BEARS.
THIS PRODUCT IS A BEAR ATTACK DETERRENT
WHICH MAY PROTECT USERS IN SOME
UNEXPECTED CONFRONTATIONS WITH BEARS BUT
MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR
PREVENT ALL INJURIES. READ THIS ENTIRE LABEL
BEFORE TAKING THIS PRODUCT INTO AREAS
WHERE BEARS MIGHT BE ENCOUNTERED.**

**KEEP OUT OF REACH OF CHILDREN
DANGER**

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredient:	
Capsaicin and related capsaicinoids*	2.0%
Inert ingredients	98.0%
TOTAL	100.0%

*Made from Oleoresin of Capsicum

Packed for: UDAP Industries, Inc.

13160 Yonder Road Bozeman, MT 59718

1-800-232-7941 (406)763-4242

CHEMICAL EMERGENCY: 1-800-535-5053

EPA Reg. No.: 71920-1-72007 EPA Est. No.: 071920-AZ-001
NET CONTENTS: 7.9 ounces (225g) or 9.2 ounces (260g)

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 30 feet (9 meters). The canister empties completely in approximately 4 seconds [225g container] 5.4 seconds [260g container].

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire Pepper Power in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a UDAP training can and practice with it until you can perform, quickly and accurately, the activities described in the column below.

TO ARM AND APPLY: Place forefinger through loop in handle with thumb on curl of safety clip {Fig. 1}. With thumb, pull safety clip up and straight back. This will expose the trigger lever. Depress trigger lever with thumb, releasing a 1 second burst of spray {Fig. 2}. This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face the wind.

TO DISARM:
Replace safety clip as illustrated {Fig. 3}.



Fig. 1



Fig. 2



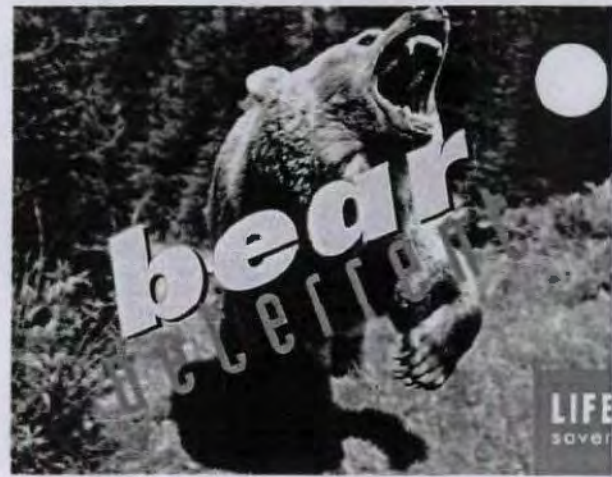
Fig. 3

SELF-DEFENSE USE *only*



pepper
power™

STOPS
aggressive attacks



**Wisdom is Better
than Strength!**


**Thank you for Being
Prepared with
the Leader in
Bear Defense
Pepper Sprays**



Bear Safety Tips
www.udap.com

30 Foot Fog

Send in for FREE
"Bear Safety Tips" booklet

As seen on the  **Discovery Channel!**

Be Prepared!

Highest % Active Ingredients

Registered by the EPA

BEAR SAFETY TIPS

To receive our 3.2 fl. oz. pocket size booklet free, please complete this survey card, attach an envelope and mail to:

Booklet, UDAP Industries
13160 Yonder Rd.
Bozeman, MT 59718

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Date Purchased: _____ Location: _____

FREE! "Bear Safety Tips" booklet

1-800-441-1111
www.udap.com



UDAP 1111-11-11-05 concerned with your safety

Bear Attack

While out bow hunting on September 25, 1992, Mark Matheny was attacked by a female grizzly bear on a main trail. In less than half a minute the grizzly charged and mauled Mark two times. Mark's hunting partner, Dr. Fred Bahnsen, reacted immediately, spraying the attacking bear with a small 4 oz. can of pepper spray. Now out of pepper spray both men were in even more danger if the hostile grizzly returned. Fortunately Dr. Bahnsen got Mark out of the woods and to the emergency room without further incident. Mark suffered extensive bite lacerations to the head and neck, superficial bite lacerations to the right arm, and also to the left anterior chest. He stayed conscious, but lost approximately one unit of blood. Mark's wounds would have been much worse, if not fatal, if his hunting partner would not have had the can of pepper spray.

"Thanks to God, a friend, and pepper spray, I am still here." God Bless Mark Matheny, President - UDAP Industries

BEAR IN MIND
The INFORMATION

**Wisdom is Better
than Strength!**

BE PREPARED!

UDAP's Bear Spray proven effective!!!

"We insist all of our guides and hunters carry pepper spray with them at all times. Twice during the past two hunting seasons, I have been charged by full grown grizzly bears. Both times, I know I could never have fired quickly nor accurately with my handgun. Both times I used **Pepper Power**. Both grizzly bears were coming at full charge. Each time, it was as though they had hit a brick wall when they charged into the fog of the **Pepper Power** spray! The cost of carrying and using **Pepper Power** is the best investment one can make."

Nate Vance, outfitter
Ieton Wilderness Outfitting, WY

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans.

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This product has a range of up to 30 feet (9 meters). The canister empties completely in approximately 4 seconds [225g container] 5.4 seconds [260g container].

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire **Pepper Power** in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a UDAP training can and practice with it until you can perform, quickly and accurately, the activities described in the column below.

TO ARM AND APPLY: See illustrations on can. Place forefinger through loop in handle with thumb on end of safety clip (Fig. 1). With thumb, pull safety clip up and straight back. This will expose the trigger lever. Depress trigger lever with thumb, releasing a 1 second burst of spray (Fig. 2). This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face the wind.

TO DISARM: Replace safety clip as illustrated (Fig. 3).

With Glow in the Dark Safety Clip!

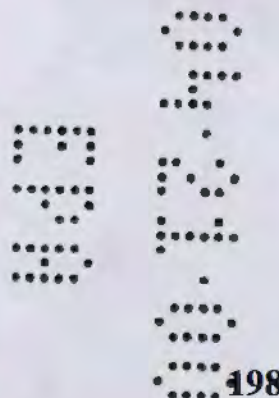
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Bear
Magnum

#15CP

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Supplemental labeling for 71920-1
Bottom panel





concerned with your safety

Bear Attack

BEAR IN MIND
the INFORMATION

While out bow hunting on September 25, 1992, Mark Matheny was attacked by a female grizzly bear on a main trail. In less than half a minute the grizzly charged and mauled Mark two times. Mark's hunting partner, Dr. Fred Bohannon, reacted immediately, spraying the attacking bear with a small 4 oz. can of pepper spray. Now out of pepper spray both men were in even more danger if the hostile grizzly returned. Fortunately Dr. Bohannon got Mark out of the woods and to the emergency room without further incident. Mark suffered extensive bite lacerations to the head and neck, superficial bite lacerations to the right arm, and also to the left anterior chest. He stayed conscious, but lost approximately one unit of blood. Mark's wounds would have been much worse, if not fatal, if his hunting partner would not have had the can of pepper spray.

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This product has a range of up to 30 feet (9 meters). The canister empties completely in approximately 4 seconds [225g container] 5.4 seconds [240g container].

APPLICATION DIRECTIONS: Special procedures must be followed to aim the container, apply the product, and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire **Pepper Power** in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a UDAP training can and practice with it until you can perform, quickly and accurately, the activities described in the column below.

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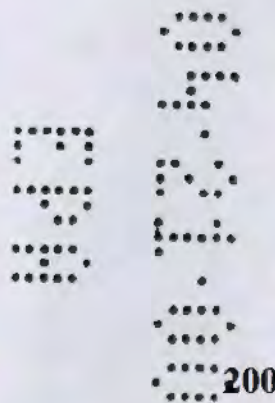
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Magnum

#15CP

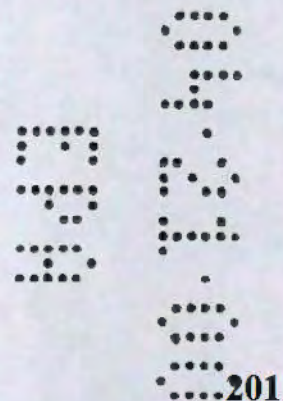
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Supplemental labeling for 71920-1
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City: _____ State: _____ Zip: _____

Date Purchased: _____ Location: _____

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Bear Attack

While out bow hunting on September 25, 1992, Mark Matheny was attacked by a female grizzly bear on a main trail. In less than half a minute the grizzly charged and mauled Mark two times. Mark's hunting partner, Dr. Fred Bohannon, reacted immediately, spraying the attacking bear with a small 4 oz. can of pepper spray. Now out of pepper spray both men were in even more danger if the hostile grizzly returned. Fortunately Dr. Bohannon got Mark out of the woods and to the emergency room without further incident. Mark suffered extensive bite lacerations to the head and neck, superficial bite lacerations to the right arm, and also to the left anterior chest. He stayed conscious, but lost approximately one unit of blood. Mark's wounds would have been much worse, if not fatal, if his hunting partner would not have had the can of pepper spray.

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BEAR IN MIND
the INFORMATION

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This product has a range of up to 30 feet (9 meters). The canister empties completely in approximately 4 seconds [225g container] 5.4 seconds [260g container].

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TO DISARM: Replace safety clip as illustrated (Fig. 3).

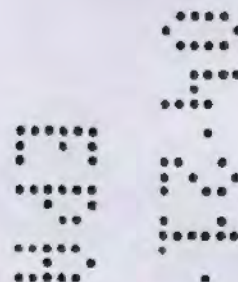
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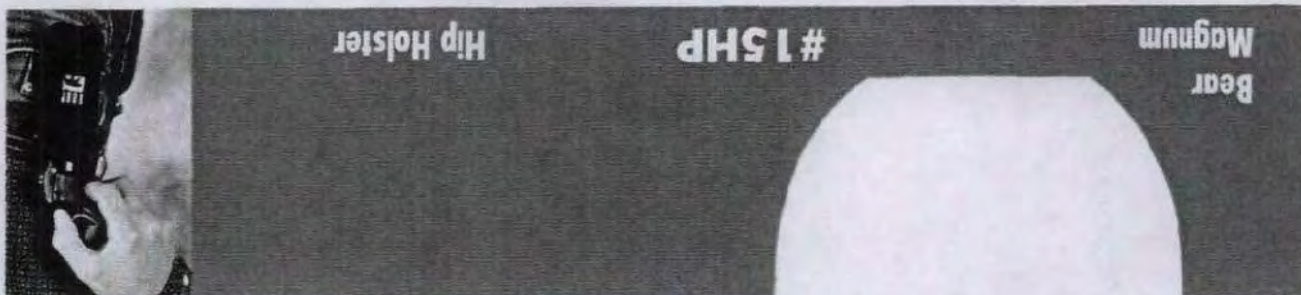
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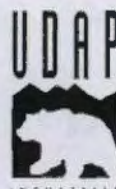


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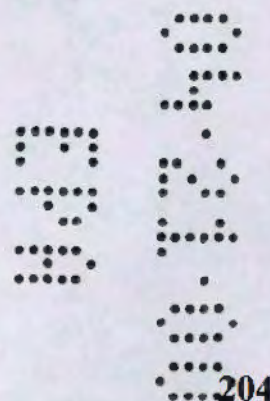
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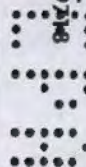
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Bear Attack

While out bow hunting on September 25, 1992, Mark Matheny was attacked by a female grizzly bear on a main trail. In less than half a minute the grizzly charged and mauled Mark two times. Mark's hunting partner, Dr. Fred Bohannon, reacted immediately, spraying the attacking bear with a small 4 oz. can of pepper spray. Now out of pepper spray both men were in even more danger if the hostile grizzly returned. Fortunately Dr. Bohannon got Mark out of the woods and to the emergency room without further incident. Mark suffered extensive bite lacerations to the head and neck, superficial bite lacerations to the right arm, and also to the left anterior chest. He stayed conscious, but lost approximately one unit of blood. Mark's wounds would have been much worse, if not fatal, if his hunting partner would not have had the can of pepper spray.

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BEAR IN MIND
the INFORMATION

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Teton Wilderness Outfitting, WY

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This product has a range of up to 30 feet (9 meters). The canister empties completely in approximately 4 seconds [215g container] 5.4 seconds [260g container].

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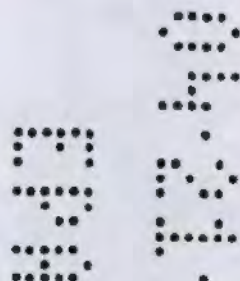
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Chest Holster

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Bear
Magnum

#15CP

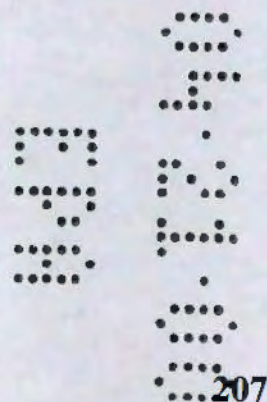
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Name: _____	Address: _____	City: _____	State: _____	Zip: _____
Date Purchased: _____ Location: _____				

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Bear Attack



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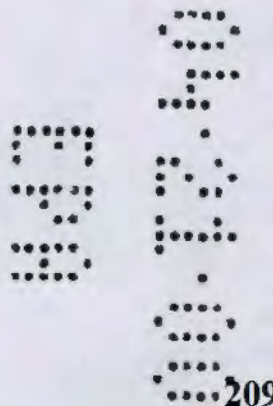
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Chest Holster

#15CP

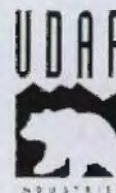
Bear
Magnum

#15CP

Bear Magnum Spray
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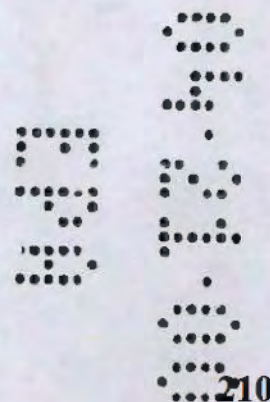


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Supplemental labeling for
71920-1

Bottom panel



June 5, 2000

350
39
5.5805'06

CERTIFIED MAIL

Universal Defense Alternative Products (UDAP)
13160 Yonder Road
Bozeman, MT 59718

Attention: Mr. Mark Matheny

Subject: UDAP Pepper Power
EPA Distributor Registration Number 71920-1-720007
Our March 6, 2000, E-Mail
Your March 7, 2000, E-Mail
Review of Promotional Materials

6-5-2000
reply w/2 pgs.

**UDAP's
response to
EPA's initial
comments**

On March 2, 2000, we received three pages of promotional materials (a letter, a fact sheet, and a graph) for the above distributor product. On March 6, 2000, we provided our initial comments on these items. In response to that communication, Mr. Tom Fischer of UDAP sent us an E-Mail on March 7 indicating that it had discontinued using these materials. We appreciate your quick positive response in this matter.

**EPA's formal
comments**

As indicated in our earlier communication, we promised that we would send you additional comments, which are now included in this letter.

The promotional material that began to be disseminated in February of this year included statements and representations that were false or misleading in various ways: 1) "false or misleading" comparisons with other products, 2) suggestions of endorsement by EPA, and/or 3) true statements presented "so as to give a false or misleading impression".

**Obligations
of
distributors
and basic
registrants**

Both the basic registrant (Guardian Security Equipment Products) and distributor (UDAP) have an obligation to sell their registered products in according with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA can take enforcement action against both the distributor and the basic registrant, who is also responsible for claims made by its distributors. In this case we contacted the distributor directly in hopes of getting quick action. However, normally we try to influence distributors through communications with basic registrants. Sometimes, such communications take the form of legal actions which can affect both the registrant and the distributor.

**Changing
claims on
distributor
labeling**

In hopes of forestalling anything of that nature, we are reminding you that the distributor may make no labeling claims other than those accepted for the basic registrant and that advertising claims must not exceed labeling claims. If you wish to change the labeling of your product, the basic registrant must first formally submit those changes to the Agency for review and receive approval before you can use the revised labeling.

**Guidance for
claims**

We suggest that you review the following sections of FIFRA whenever you are considering additional labeling or advertising claims:

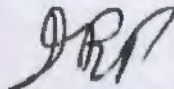
1. under §12(a)(1)(E) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), it is unlawful to sell "any pesticide which is adulterated or misbranded";
2. as noted in §2(q) of FIFRA, a pesticide can be "misbranded" in several ways, including if "its labeling bears any statement, design, or graphic" that is "false or misleading in any particular"; and
3. as noted in 40 CFR, §152.132(d), the labeling for the distributor product must conform to that of the basic registered product except for (not-misleading) changes to the product's name, use of the distributor's name and address rather than the registrant's, adding the distributor's company number to the end of the registration number, showing the correct establishment number for the distributor products, and deleting of specific claims (without adding any).

40 CFR, §156.10(a)(5) identifies 10 categories of "False or misleading statements" that automatically render pesticide products misbranded. We have enclosed a photocopy of that portion of the regulations with this letter.

Questions

If you have questions about this letter or if questions advertizing claims arise in the future, you can reach me by phone (703-305-5407), fax (703-305-6596), or E-Mail (Peacock.Dan@EPAMAIL.EPA.GOV).

Sincerely,



Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

Enclosure

40 CFR 156.10

cc

1. Guardian Security Equipment Products
c/o Technology Sciences Group, Inc.
Washington, DC 20036

Attention: Ms. Amy Plato Roberts

2. Tim Osag
EPA Region 8

Letter filed

A:\Bear Deterrents\71920-1-720007 Review of Promotional Material.wpd June 2,
2000



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to UEAP	
Street and No.	
P.O., State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$

Postmark or Date

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry

June 5, 2000

292749
5-576348 380/38

Center for Wildlife Information
P.O. Box 8289
Missoula, MT 59807

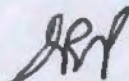
Attention: Mr. Chuck Bartlebaugh

Subject: UDAP Pepper Power
EPA Distributor Registration Number 71920-1-720007
Review of Promotional Materials Faxed March 2, 2000

Thank you for your fax of March 2, 2000, regarding promotional materials for the bear deterrent, UDAP Pepper Power. We have taken action on the issues raised by those materials.

If you have questions about this letter, you can reach me by phone (703-305-5407), fax (703-305-6596), or E-Mail (Peacock.Dan@EPAMAIL.EPA.GOV).

Sincerely,



Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

A:\Bear Deterrents\Acknowledgement of Bartlebaugh's 3-2-2000 faxed promotional material.wpdJune 2, 2000



Dan Peacock on 03/07/2000 06:55:19 AM

To: Tim Osag/ENF/R8/USEPA/US@EPA, Bill Lee/R9/USEPA/US,
guardianproducts@worldnet.att.net
cc: Bill Jacobs/DC/USEPA/US@EPA
Subject: Re: Unacceptable Advertising Associated with UDAP Pepper Power
(71920-1-72007)

Tim, Bill, and Carl,

According to this E-Mail, UDAP has promised to discontinue the offending advertising materials. When we have completed our formal review, we will share copies of it with you.

Dan Peacock
703-305-5407

..... Forwarded by Dan Peacock/DC/USEPA/US on 03/07/2000 06:48 AM
.....



bearman@udap.com on 03/06/2000 03:55:22 PM

To: Dan Peacock/DC/USEPA/US@EPA
cc:
Subject: Re: Unacceptable Advertising Associated with UDAP Pepper Power
(71920-1-72007)

Dan,

Mark asked me to respond to your email and notify you that as of Friday March 3, 2000 we have discontinued using the materials mentioned in your email for advertising purposes.

I will forward any other correspondence that you might have to Mark for review.

Thank You,

Tom Fischer
UDAP Industries

----- Original Message -----

From: <Peacock.Dan@epamail.epa.gov>

To: <bearman@udap.com>

Cc: <guardianproducts@worldnet.att.net>; <Osag.Tim@epamail.epa.gov>;
<Lee.Bill@epamail.epa.gov>

Sent: Monday, March 06, 2000 12:35 PM

Subject: Unacceptable Advertising Associated with UDAP Pepper Power
(71920-1-72007)

>
>
> Mark,
>
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> a graph) that apparently you use in your advertising. It compares your
product
> to other bear repellents. These pages contain many unacceptable
statements,
> including:
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"hottest
> EPA Certified Bear Deterrents" and "highest concentration that the EPA
will
> allow"),
> 2. comparisons of your product with other registered products,
> 3. implied endorsements by EPA.
>
> Such advertising must stop at once. You are subjecting your company
and
> Guardian's company, which is responsible for statements that you make
about the
> product, to potential enforcement action, which can result in severe
fines.
>
> Claims made in advertising must not exceed claims those made as part of
> registration.
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> We will review this material in depth and supply you and the appropriate
EPA
> regions with the results. In the interim, you must stop using these
> materials.
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> Please confirm that you will not use these materials.
>
> Dan Peacock
> 703-305-5407
>
>
>
>

IRB BRANCH REVIEW - TSS

Record Number(s)

D263824

Send ltr to
Bear Guard

IN 3/6/00 OUT 3/30/00

EFICACY

FILE OR REG. NO. Corr. 292749

PETITION OR EXP. PERMIT NO. _____

DATE DIV. RECEIVED 3/6/00

DATE OF SUBMISSION 3/6/00

DATE SUBMISSION ACCEPTED 3/6/00

TYPE PRODUCTS(S): I, D, E, F, N, R, S

DATA ACCESSION NO(S). none

PRODUCT MGR. NO. 04

PRODUCT NAME(S) UDAP Penner Power
BearGuard

COMPANY NAME Universal Defense Alternative Products (distributor)
Guardian Personal Security Products (registrant)

SUBMISSION PURPOSE third-party questions about promotional material

CHEMICAL & FORMULATION 2.0% "Capsaicin and related capsaicinoids" aerosol

Efficacy Review: Promotional material for UDAP Pepper Power,
Corr. 292749

Distributed by:

Universal Defense Alternative Products (aka
"UDAP Industries")
Bozeman, MT 59718

Parent product registered to:

Guardian Personal Security Products, Inc.
Phoenix, AZ 85027

Information supplied by:

Chuck Bartlebaugh
Center for Wildlife Information (CWI)
Missoula, MT 59807

200.0 INTRODUCTION

200.1 Uses

A distributor product identical to BearGuard, 71920-1, a 2.0% "Capsaicin and related capsaicinoids" aerosol product registered to Guardian Personal Security Products, Inc., and claimed to be a bear-attack deterrent.

200.2 Background Information

See efficacy reviews and other pertinent information in the registration jackets for registered bear attack deterrents (55541-2, 71545-1, 71768-1, and especially 71920-1) and for the pending bear attack repellent 72265-R. According to our REFs data base on 3/29/2000, Universal Defense Alternative Products has an assigned company number (72007) but is not listed as a distributor for 71920-1. However, IRB's Dan Peacock has obtained a copy of an application form for obtaining distributor clearance for UDAP Pepper Power Bear Deterrent. UDAP's Mark Matheny, UDAP's President, evidently signed the document on "4-1-99".

Products claimed to protect people from attacks by animals (e.g., bears, dogs) must be registered as pesticides. Products claimed to protect humans from other humans are not considered to be pesticides because humans are not considered to be pests under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). UDAP sells products of both types.

This review discusses material FAX-ed on 3/2/00 to EPA by Chuck Bartlebaugh of CWI. In addition to Bartlebaugh's cover sheet, the FAXed material includes an open letter

(addressed "Dear") of 2/17/00 from Matheny, a page captioned "BEAR DETERRENT PEPPER SPRAY ACTIVE INGREDIENT FACT SHEET", and a page captioned "EPA Certified Bear Deterrents Comparison". The two captioned pages may have been circulated as enclosures with the open letter.

The package routed for my review also includes several e:mails from March, 2000, related to the items that Bartlebaugh supplied. On 3/6/00, IRB's Dan Peacock e:mailed Matheny referring to the items that Bartlebaugh provided to EPA and telling Matheny that "Such advertising must stop at once." Another e:mail is a 3/6/00 reply to Peacock from UDAP's Tom Fischer stating that UDAP had

discontinued using the materials mentioned in your email for advertising purposes.

The third e:mail in the package is Peacock's forwarding of his initial e:mail plus Fischer's reply to Region 8, Region 9, Guardian Personal Security Products, and me. Although Fischer's statement could be interpreted as meaning that the fire over the advertising has been extinguished, Peacock has asked me to "review and comment on advertising claims for UDAP Pepper Power."

201.0 DATA SUMMARY

Below, I discuss the contents of the 3 pages of material that Bartlebaugh supplied with reference to existing prohibitions -- (FIFRA, §2(q)(1)(A), §12(a)(1)(E); 40 CFR, §156.10(a)(5) -- against making "False or misleading statements" on labeling.

The statements and graphics that are objectionable fall into the categories of

1. "A false or misleading statement concerning the composition of the product" [40 CFR, §156.10(a)(5)(i)];
2. "A false or misleading statement concerning the effectiveness of the product as a pesticide or device" [40 CFR, §156.10(a)(5)(ii)];
3. "A false or misleading comparison with other pesticides or devices" [40 CFR, §156.10(a)(5)(iv)];
4. "Any statement directly or indirectly implying that the pesticide or device is recommended or endorsed by any agency of the Federal Government" [40 CFR, §156.10(a)(5)(v)]; and

5. "A true statement used in such a way as to give a false or misleading impression to the purchaser" [40 CFR, §156.10(a)(5)(vii)].

The objectionable statements in the materials supplied by Bartlebaugh are discussed below. To facilitate discussion, the numbers shown above opposite the specific types of violations are listed after each objectionable statement.

Open ("Dear") Letter of 2/17/00

- A. "We ... offer the **hottest** EPA Certified Bear Deterrents on the market for 2000" (2, 3, 4, 5)

As UDAP is selling BearGuard (71920-R) as a distributor product, they are selling the highest total-capsaicinoid formulation for a bear pepper spray registered in the U.S. Doing so might make the product the "**hottest**" registered by EPA, but hotness depends more on the degree of representation of the most pungent capsaicinoids (especially Capsaicin) within the capsaicinoid complex. While the products are registered with EPA, they are not "**Certified**" by EPA as to hotness or any other characteristic. Using the superlative "**hottest**" implies a favorable comparison. In context, that comparison is with other "**EPA Certified Bear Deterrents**".

- B. "We have enclosed some factual information to help you decipher what makes UDAP stand apart from other sprays" (3)

This item clearly implies a favorable comparison with competitor's products. Whether there would also be other violations (e.g., 2 and/or 5) would depend on how "factual" the "enclosed ... information" turned out to be and how appropriately it was represented.

BEAR DETERRENT ... FACT SHEET

- C. "This is the **hottest** formula made for a registered bear spray." (2, 3, 4)

Again, highest capsaicinoid composition does not always mean "**hottest**"; and "**hottest**" might not equate to "most effective". It could be that beyond a certain point, increased hotness might add more in terms of risk than in terms of efficacy.

- D. "UDAP's Bear Deterrent is rated at the maximum that the EPA will allow, which is 2.0%." (1, 3)

It is not clear to me that EPA has set a true ceiling on total capsaicinoid composition of bear deterrents, although certain documents prepared by EPA personnel may have indicated a concentration range covering what has been registered. Use of "maximum" might imply to some that products with less than the "maximum" of active ingredient complex would not be as effective.

- E. "This produces about 3 Million Scoville Heat Units (SHUs) of stopping power." (2)

Scoville Heat Units are calculated through a comparison with the threshold for detecting a substance as being pungent. SHUs are not direct indices to stopping power. It might take several orders of magnitude of SHUs to "stop" even a relatively easily deterred individual.

- F. "Our Bear Deterrents are at 10% OC." (1, 5)

Even if true, there is some hint of an efficacy claim here; but the next several sentences place some context around the statement. This is not, by any means, the worst statement on the page. (Similar statements regarding "UDAP's Human Attack Deterrent" are outside of the scope of FIFRA and will not be discussed further here.)

EPA Certified Bear Deterrents Comparison

- G. The title "EPA Certified Bear Deterrents Comparison" (3, 4, at least)

This title suggests comparisons with other products and EPA endorsement of its entire contents.

- H. Graphics displaying total capsaicinoid levels and "**Bear Spray Distances**" claimed for three products (3, 4, 5)

For illustrating total Capsaicinoid content, there is a thermometer (presumably to show hotness) which also serves as a sort of ordinate for a graph on which "**Bear Spray Distances**" are used as the abscissa. The net visual impact of the combined graphics is to imply, misleadingly, that UDAP is better both ways. Text below the figures states

The above comparison is the result of U.S. EPA effectiveness data and product chemistry.

This statement is false and misleading. EPA did not generate any "effectiveness data" for products involved (Guard Alaska, 71545-1; Counter Assault, 55541-2; UDAP, presumably the same as 71920-1). Spray pattern tests (an efficacy requirement but not true efficacy data) were run

by various entities associated with the applicants for registration of the products. In two cases, the manufacturers themselves ran the tests. The results were submitted to and reviewed by EPA, but the data did not originate with and do not belong to EPA. Using EPA in the sentence also implies endorsement by a Federal agency

Although the numbers used in the figures can be found on the labels for the various products, it is misleading to display hotness as a function of spray distance because the two properties are not interrelated. Actual spray distance is largely a function of propellents and, presumably, elements of container design. The level of capsaicinoids in that which is propelled is irrelevant to how far the stuff goes. The label claims for spray distances were to some degree affected by the test procedures used as well as by the amount of "oomph" associated with the product. Therefore, although labels for Guard Alaska have an 18' spray-distance claim while those for Counter Assault and BearGuard claim 30', the spray distances actually produced by those products might not be as different as the label claims imply.

Three numbered items at the bottom of the "EPA Certified Bear Deterrents Comparison" sheet present what apparently are Matheny's opinions regarding how bear pepper sprays work. Because what is said is couched in the realm of observation and personal experience, the material is not objectionable although some of it is speculative.

Since the registration of the first Capsaicin-containing bear repellent in 1998, we have encountered a great deal of promotional material and even unannounced labeling for such products that were objectionable for many of the same reasons as the UDAP items discussed in this review. I suspect that this sort of activity preceded EPA's finally shouldering its responsibility for regulating products of this type in the late 1990s. EPA's involvement should eventually minimize such activity as more companies become aware of what is not permitted. In the meantime, I suspect that they will continue to monitor and tattle on one another.

Although one "can't unring a bell", Peacock's action hopefully has taken care of future dissemination of the promotional items discussed above. It remains to thank Bartlebaugh for the input and to inform Guardian of what has happened and to remind them of their responsibilities toward their distributors.

202.0 CONCLUSIONS

To Bartlebaugh

Thank you for your e:mail of March 2, 2000, regarding promotional materials for UDAP's Pepper Power. We have taken action on the issues raised by those materials.

To Guardian Personal Security Products

We have become aware of certain objectionable promotional material that one of your distributors, Universal Defense Alternative Products (aka "UDAP Industries"), began disseminating in February of this year. The material consisted of an open letter and two pages of attachments. All of the items included statements and representations that were false or misleading in various ways. We have contacted UDAP directly, and they claim to have ceased using the promotional materials in question.

As registrant of the parent product, you are responsible for the actions of those who are distributors for BearGuard. We contacted UDAP directly in this instance in hopes of getting quick action. However, the normal approach is for us to try to affect what distributors do through communications with basic registrants. Sometimes, such communications take the form of legal actions which can affect both the registrant and the distributor. In hopes of forestalling anything of that nature, we are reminding you of your responsibilities regarding distributor products. We suggest that you periodically remind your distributors of the following points:

1. under §12(a)(1)(E) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), it is unlawful to sell "any pesticide which is adulterated or misbranded";
2. as noted in §2(q) of FIFRA, a pesticide can be "misbranded" in several ways, including if "its labeling bears any statement, design, or graphic" that is "false or misleading in any particular"; and
3. as noted in 40 CFR, §152.132(d), the labeling for the distributor product must conform to that of the basic registered product except for (not-misleading) changes to the product's name, use of the distributor's name and address rather than the registrant's, adding the distributor's company number to the end of the registration number, showing the correct establishment number for the distributor products, and deleting of specific claims (without adding any).

40 CFR, §156.10(a) (5) identifies 10 categories of "False or misleading statements" that automatically render pesticide products misbranded. We have enclosed a photocopy of that portion of the regulations with this letter. Among other things, UDAP's promotional material included "false or misleading" comparisons with other products, suggestions of endorsement by EPA, and/or true statements presented "so as to give a false or misleading impression".

William W. Jacobs
Biologist
Insecticide-Rodenticide Branch
March 30, 2000

WJ

DP BARCODE: D263824

CASE: 292749
SUBMISSION: S576348

DATA PACKAGE RECORD
BEAN SHEET

DATE: 03/06/00
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: MISCELLANEOUS ACTION: 350 GENRL CORRES REGISTRATION
RANKING : 5 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 0.0000%

ID#: 292749
COMPANY:

PRODUCT MANAGER: 04 TINA LEVINE 703-308-7055 ROOM: CM2 219
PM TEAM REVIEWER: DANIEL PEACOCK 703-305-5407 ROOM: CM2 221
RECEIVED DATE: 02/17/00 DUE OUT DATE: 06/06/00

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 263824 EXPEDITE: N DATE SENT: 03/06/00 DATE RET.: / /
CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)
DP TYPE: 001

	CSF: N		LABEL: N	
ASSIGNED TO	DATE	IN	DATE	OUT
DIV : RD	/	/	/	/
BRAN: IRB	/	/	/	/
SECT: PM04	/	/	/	/
REVR : <i>imp</i>	3/6	100	3/30/00	08J
CONTR:	/	/	/	/

ADMIN DUE DATE: 05/15/00
NEGOT DATE: / /
PROJ DATE: / /

* * * DATA REVIEW INSTRUCTIONS * * *

Bill,

Please review and comment on advertising claims for UDAP
Pepper Power.

Thanks,

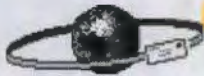
Dan

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL
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Dan Peacock on 03/07/2000 06:55:19 AM

To: Tim Osag/ENF/R8/USEPA/US@EPA, Bill Lee/R9/USEPA/US,
guardianproducts@worldnet.att.net
cc: Bill Jacobs/DC/USEPA/US@EPA
Subject: Re: Unacceptable Advertising Associated with UDAP Pepper Power
(71920-1-72007)

Tim, Bill, and Carl,

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Thank You,

Tom Fischer
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To: <bearman@udap.com>

Cc: <guardianproducts@worldnet.att.net>; <Osag.Tim@epamail.epa.gov>;
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UDAP Industries

----- Original Message -----

From: <Peacock.Dan@epamail.epa.gov>
To: <bearman@udap.com>
Cc: <guardianproducts@worldnet.att.net>; <Osag.Tim@epamail.epa.gov>;
<Lee.Bill@epamail.epa.gov>
Sent: Monday, March 06, 2000 12:35 PM
Subject: Unacceptable Advertising Associated with UDAP Pepper Power
(71920-1-72007)

>

>

> Mark,

>

> I recently received three pages of information (a letter, a fact
sheet, and
> a graph) that apparently you use in your advertising. It compares your
product
> to other bear repellents. These pages contain many unacceptable
statements,
> including:

>

> 1. claims not allowed on your parent product's labeling (for example,
"hottest

> EPA Certified Bear Deterrents" and "highest concentration that the EPA
will

> allow"),

> 2. comparisons of your product with other registered products,

> 3. implied endorsements by EPA.

>

> Such adverstising must stop at once. You are subjecting your company and

> Guardian's company, which is responsible for statements that you make about the

> product, to potential enforcement action, which can result in severe fines.

>

> Claims made in advertising must not exceed claims those made as part of registration.

>

> We will review this material in depth and supply you and the appropriate EPA

> regiosns with the results. In the interim , you must stop using these materials.

>

> Please confirm that you will not use these materials.

>

> Dan Peacock
> 703-305-5407

>

>

>

>



Dan Peacock on 03/06/2000 02:35:22 PM

To: bearman@udap.com
cc: guardianproducts@worldnet.att.net, Tim Osag/ENF/R8/USEPA/US@EPA, Bill Lee/R9/USEPA/US
Subject: Unacceptable Advertising Associated with UDAP Pepper Power (71920-1-72007)

Mark,

I recently received three pages of information (a letter, a fact sheet, and a graph) that apparently you use in your advertising. It compares your product to other bear repellents. These pages contain many unacceptable statements, including:

1. claims not allowed on your parent product's labeling (for example, "hottest EPA Certified Bear Deterrents" and "highest concentration that the EPA will allow"),
2. comparisons of your product with other registered products,
3. implied endorsements by EPA.

Such advertising must stop at once. You are subjecting your company and Guardian's company, which is responsible for statements that you make about the product, to potential enforcement action, which can result in severe fines.

Claims made in advertising must not exceed claims those made as part of registration.

We will review this material in depth and supply you and the appropriate EPA regions with the results. In the interim, you must stop using these materials.

Please confirm that you will not use these materials.

Dan Peacock
703-305-5407

SENT BY: KINKO'S MISSOULA ; 3- 2- 0 ; 3:21PM ; MISSOULA KINKO'S-

GRIZZLY BEAR EDUCATION & WILDLIFE STEWARDSHIP CAMPAIGN

General H. Norman Schwarzkopf, National Spokesperson

703 305 6596;# 1/ 4

CENTER FOR

**WILDLIFE
INFORMATION**

P.O. Box 8289
Missoula, MT 59807
406-523-7750



Fax Cover Sheet

DATE: _____

TIME: _____

TO: Dan Peacock

FAX: 703-305 6596

AT: US EPA

PHONE: 1-703-3055407

FROM: Chuck Bartlebaugh

PHONE: 406-221 8985

FAX REPLY: _____

Number of pages (incl. cover): _____

Message:



02/17/2000

Universal Defense Alternative Products

13160 Yonder Road
Bozeman, MT
59718

Dear

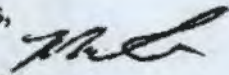
We are happy to continue to offer the ~~best EPA Certified Bear Deterrents~~ on the market for 2000. Our Bear Sprays are rated at 2.0% CRC's (Capsaicin and Related Capsaicinoids), which ~~is the highest concentration that the EPA will allow~~. As you probably know, bear pepper sprays are no longer rated according to OC (Oleoresin Capsicum). There is a new more accurate means of testing the actual hotness of the spray, by assessing the chemical content within the OC. All of these changes have made it difficult for some to know what the differences are between the bear deterrents on the market, ~~so we have disclosed some factual information to help you decipher what makes UDAP stand apart from other sprays.~~

As always, we are dedicated to producing the best products that we can, and we strive to keep people informed and educated on bear behavior and safety in bear country. Just as your profession allows you to conserve our lands, habitats, and wildlife, we are concerned with providing a product that will protect, and possibly save, the lives of both humans and animals.

If you have any questions, comments, or would like to place an order with us, please call 406-763-4242. You may also visit our website at www.udap.com for further information and testimonials.

Thank you for your time and consideration.

Best Regards,


Mark Matheny
President, UDAP Industries


www.udap.com

ph 406-763-4242
fax 406-763-5052

LIFE
saver

BEAR DETERRENT

PEPPER SPRAY ACTIVE INGREDIENT FACT SHEET

Our Bear Deterrent's active ingredient is measured at 2.0% capsaicin and related capsaicinoids (CRC). ~~UDAP's Bear Deterrent is rated at the maximum that the EPA will allow, which is 2.0%. This produces about 3 Million~~

The active ingredients are measured by the actual chemical hotness of the pepper, which is the CRC. ~~UDAP's Bear Deterrent is rated at the maximum that the EPA will allow, which is 2.0%. This produces about 3 Million~~ Scoville Heat Units (SHU) of stopping power. ~~Our Bear Deterrents are at 10% OC.~~ This 10% is just a measurement of the OC in the can, not the hotness of the spray. The EPA no longer recognizes nor allows labeling and measuring the hotness of bear sprays by OC and SHU ratings. The latest and most accurate means accepted of evaluating true hotness is by testing the amount of CRCs present in a spray. UDAP's Bear Deterrents are again, the hottest, being rated at 2.0% CRCs.

UDAP's Human Attack Deterrent is rated at 1.34% CRC, which is the same rating as our bear sprays were in the years preceding 1999. This produces about ~~3 Million SHU of stopping power.~~ Our Human Attack Deterrents are at 10% OC, but again the primary deciding factor of hotness in a pepper spray is the CRC rating. The active chemical in OC is capsaicin and related capsaicinoids (CRC), thus making it the only true determining factor of the active ingredient in pepper spray.

We have chosen the above balances of CRCs and propellant for a sophisticated dispersal system in our sprays to get the active ingredient out with the sudden loud hissing sound creating a billowing pepper cloud that is slow to dissipate, making it a more effective means of stopping an attack. We also utilize the most advanced technologies and products in producing both our Bear Deterrents and our Human Attack Deterrents, in order to generate quality products that consumers can feel secure in using.

DEFINITIONS

CRC - "Capsaicin and related Capsaicinoids" are the chemical components of peppers that make them hot. Measuring by CRC's is a laboratory conducted and very accurate test for gauging hotness.

OC - "Oleoresin Capsicum" is the oil extracted from the pepper that contains within it the capsaicin and related capsaicinoids. It is, basically, a carrying agent for the chemical compounds.

SHU - "Scoville Heat Units" were invented in 1912 by a pharmacist named Wilbur Scoville. These units measure the amount of capsaicin (the chemical that provides the heat) in a pepper. Measuring by SHU's (Scoville Heat Units) is very subjective taste test.

PROPELLANT - The liquid propellant 134A is used in all of UDAP Industries' products to ensure a safe and effective means of discharging the active ingredients in the sprays.

UDAP Industries 13160 Yonder Road Bozeman, MT 59718 406-763-4242 Fax 406-763-5052

www.udap.com



EPA Certified Bear Deterrents Comparison

Active Ingredients

Capsaicin and related capsaicinoids

Bear Spray Distances

15 ft. 20 ft. 25 ft. 30 ft.

2.0%

2.0%

1.9%

1.8%

1.73%

1.7%

1.6%

1.5%

1.34%

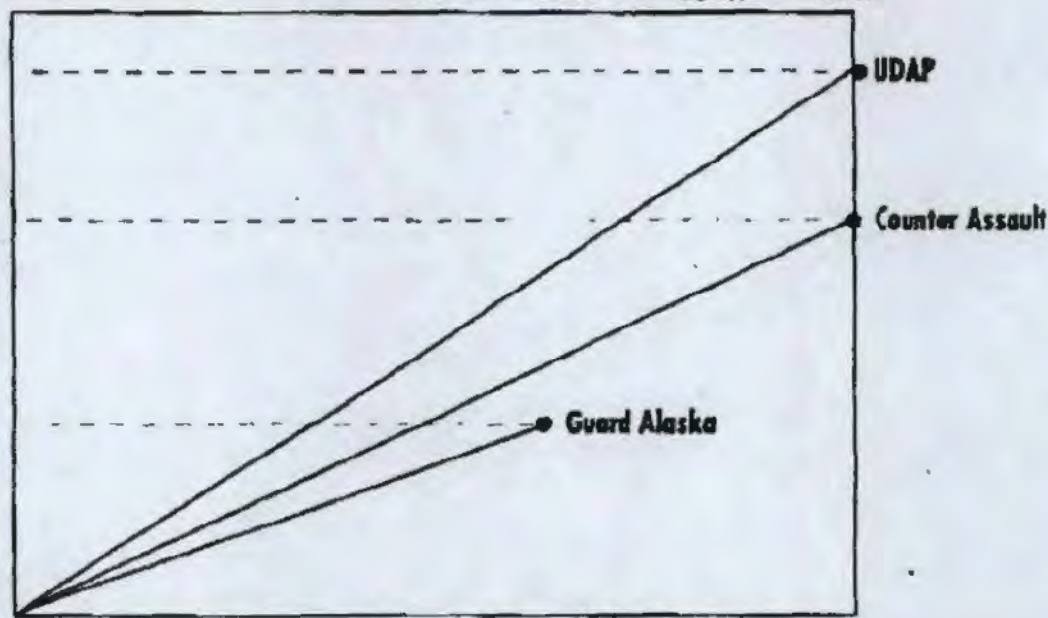
1.4%

1.3%

1.2%

1.1%

1.0%



(RC - "Capsaicin and related capsaicinoids" are the chemical components of peppers that make them hot)

The above comparison chart is the result of U.S. EPA effectiveness data and product chemistry

How does it work? As I see it, Bear sprays confer three advantages for the user:

- 1) They provide the person with a reason not to run, a behavior which bears will reward by chasing and attacking. Not running and holding your ground conveys a message that bears recognize, that of a co-dominant unwilling to yield. That gives them pause and buys you time.
- 2) The sudden and loud hissing of the spray and billowing cloud startles bears...this I have seen. This is caused by the pressure of approx. 96 lbs. at 77 F, making sound and sight that is surprising. They halt and again this buys you a bit of time (at least for those encounters where you have some space between you).
- 3) The red pepper extract is clearly a strong irritant, as observed with penned and wild bears that have been sprayed. Dr. Herrero, myself, and many others have seen bears sprayed directly with Bear spray and they cough, wheeze, paw their eyes and nose wildly... it does create considerable discomfort in them. Having the effect of stopping the behavior that the bear was displaying immediately prior to being sprayed.

December 29, 1999

CERTIFIED MAIL

Technology Sciences Group, Inc.
1101 17th Street, NW
Washington, DC 20036

305/11 5-571521

Attention: Mrs. Amy Plato Roberts

Subject: BearGuard Bear Deterrent
EPA Reg. No. 71920-1
Your amended application of September 15, 1999

The spray pattern described and shown for the 180-g container size appears to be similar to that provided by larger containers in the study that you reported earlier (MRID No. 447173-02). However, the durations of effective spraying reported for the 180-g container were so short (3.03 sec and 3.50 sec in MRID No. 449303-01, 3.38 sec in MRID No. 447173-02) that we wonder whether there would be enough left to deter a bear, if the container had been test-fired and the bear had made "it through the initial burst of spray". Even if the first use were successful, the user would be ill-equipped if another bear were encountered.

Unless we receive information which clearly indicates that 1.5 seconds of available spray time is generally enough to deter one or more bears, we will not accept the 180-g size for BearGuard or for anyone else.

If you have any questions about this letter, please contact me by phone (703-305-5407), fax (703-305-6596), or E-Mail (peacock.dan@epa.gov).

Sincerely,

DRM

Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

C:\capsaici\71920-1,Dec99.wpd29 December 1999

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs

OCT 4 1999

GUARDIAN PERSONAL SECURITY PRODUCTS
21639 N. 14TH AVE.
PHEONIX, AZ 85027

Report of Analysis for Compliance with PR Notice 86-5

Thank you for your transmittal of 09/17/99. Our staff has completed a preliminary analysis of the material. The results are provided as follows:

Your submittal was found to be in full compliance with the standards for submission of data contained in PR Notice 86-5. A copy of your bibliography is enclosed, annotated with Master Record ID's (MRIDs) assigned to each document submitted. Please use these numbers in all future references to these documents. Thank you for your cooperation. If you have any questions concerning this data submission, please raise them with the cognizant Product Manager, to whom the data have been released.

449303-00

TECHNOLOGY
SCIENCES
GROUP
INC

305 5-57152

WASHINGTON

1101 17th Street, N.W.
Suite 500
Washington, D.C. 20036
Telephone 202 223-4392
Fax 202 872-0745

Dan Peacock
Insecticide-Rodenticide Branch
Registration Division (7504C)
Office of Pesticide Programs, EPA
1921 Jefferson Davis Highway
Arlington, VA 22202

September 15, 1999

RE: **BearGuard™ Bear Deterrent**
EPA Registration Number 71920-1

Application for a Label Amendment to add a 180g size container

SAN FRANCISCO

2700 Stewart Street Tower
One Market
San Francisco, CA 94105
Telephone 415 267-4119
Fax 415 267-4198

Dear Mr. Peacock:

Enclosed with this letter you will find the following in support of an application for a label amendment, to add a 180g size container for the BearGuard™ Bear Deterrent product:

- 1) Application for Amendment form (OPP Identified No. 265569);
- 2) Five (5) copies of the revised product label;
- 3) Letters and reports from users in support of a 180g size container;
- 4) Videotape of spray pattern and spray duration for a 180g size container, corresponds to the written report (Volume 2 of 2) also submitted.
- 5) Volume 1 of 1 - Transmittal Document;
- 6) Volume 2 of 2 - Supplemental Data on Spray Pattern Testing.

SACRAMENTO

712 Fifth Street
Suite A
Davis, CA 95616
Telephone 530 757-1298
Fax 530 757-1299

As you will note, the 180g size container is comparable in spray pattern size and distance to the other product sizes that are currently approved; 225g and 260g. Prior to EPA registration, the BearGuard™ products were marketed in all three sizes, and it was found that for certain users, such as campers and hikers, the 180g size container was preferred for convenience and packability. The letters and reports in support of the 180g size container all refer to uses of the product before EPA registration as a FIFRA regulated pesticide was mandated. Additionally, please note the letters and reports refer to the supplemental distributor product, UDAP Pepper Power or UDAP Pepper Spray (EPA Reg. No. 71920-1-72007).



WASHINGTON

1101 17th Street, N.W.

Suite 500

Washington, D.C. 20036

Telephone 202 223-4392

Fax 202 872-0745

Page 2
September 15, 1999

Upon EPA registration, the 180g size was not approved until such a time as data could be submitted to support it. It is our belief that this size works as well as the currently registered sizes for its intended purpose, and it is preferable for some users who might not otherwise carry the product due to the large can size.

Should you have any questions or comments, please do not hesitate to let me know.

SAN FRANCISCO

2700 Steuart Street Tower

One Market

San Francisco, CA 94105

Telephone 415 267-4119

Fax 415 267-4198

Sincerely,

Amy Plato Roberts
Regulatory Consultant for Guardian Personal Security Products LLC
Direct dial (202) 828-8964

SACRAMENTO

712 Fifth Street

Suite A

Davis, CA 95616

Telephone 530 757-1298

Fax 530 757-1299

VOLUME 1 OF 2 OF SUBMISSION

TRANSMITTAL DOCUMENT

NAME AND ADDRESS OF SUBMITTER:

Guardian Personal Security Products
21639 North 14th Avenue
Phoenix, AZ 85027

REGULATORY ACTION:

Application for a label amendment of **BearGuard™ Bear Deterrent**

TRANSMITTAL DATE:

September 15, 1999


LIST OF SUBMITTED STUDIES:

MRID NUMBER	VOLUME NUMBER	EPA STUDY TITLE	GUIDELINE NUMBER
	1 of 2	(Transmittal Document)	-----
44930301	2 of 2	Supplemental Data on Spray Pattern Testing of BearGuard™ Bear Deterrent	Not applicable

COMPANY NAME:

Guardian Personal Security Products

COMPANY OFFICIAL:



Amy Plato Roberts, Regulatory Agent

COMPANY CONTACT:

Amy Plato Roberts, Regulatory Agent
Technology Sciences Group, Inc.
1101 17th Street, N.W.
Washington, DC 20036
(202) 828-8964

DIRECTIONS FOR USE (continued)

APPLICATION DIRECTIONS: (continued)

To arm and apply:

Place forefinger through loop in handle with thumb on curl of safety clip {fig.1}. With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb releasing a 1 second burst of spray {fig.2}. This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

To disarm:

Replace safety clip as illustrated {fig.3}.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

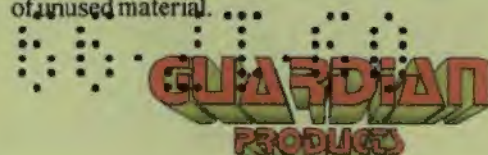
DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID- IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

ENVIRONMENTAL HAZARDS: Do not apply directly to water. Do not contaminate water by disposing of unused material.



Phoenix, AZ 85027 1-800-527-4434

BearGuard™

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients:

Capsaicin and related capsaicinoids*	2.0%
Inert ingredients	98.0%
TOTAL	100.0%

*Made from Oleoresin of Capsicum

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120°F or below 32°F.

DISPOSAL: When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE Guardian Personal Security Products, LLC

21639 N. 14th Ave.
Phoenix, AZ 85027

1-800-527-4434 (602) 582-1070

CHEMICAL EMERGENCY: 1-800-493-9300

EPA Registration No: 71920-1 EPA Est. No: 071920-AZ-001

**NET CONTENTS: 7.9 ounces (225g) or 9.2 ounces (260g)
or 6.3 ounces (180g)**

Disclaimer: To the extent allowed by law, Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an on-going research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434 for details.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS:

This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.



{fig.1}



{fig.2}



{fig.3}

This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds [225-g container] 5.4 seconds [260-g container] 3.25 seconds [180-g container]

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

(DIRECTIONS FOR USE are continued in the next column.)

DIRECTIONS FOR USE (continued)

APPLICATION DIRECTIONS: (continued)

To arm and apply:

Place forefinger through loop in handle with thumb on curl of safety clip {fig.1}. With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb releasing a 1 second burst of spray {fig.2}. This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

To disarm:

Replace safety clip as illustrated {fig.3}.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID- IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.

ENVIRONMENTAL HAZARDS: Do not apply directly to water. Do not contaminate water by disposing of unused material.

**GUARDIAN
PRODUCTS**

Phoenix, AZ 85027 1-800-527-4434

BearGuard™

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME SELECTED CONFRONTATIONS WITH BEARS. IT IS NOT BE EFFECTIVE IN ALL SITUATIONS. IT DOES NOT PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN

DANGER

Strong irritant. Wash nose and skin thoroughly with soap and water after handling. See Safety Data Sheet for additional precautions.

Active Ingredients:

Capsaicin and related capsaicinoids 2.0%

Inert Ingredients 98.0%

TOTAL 100.0%

Excludes from Analysis of Capsaicin

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL DRY PLACE. INACCESSIBLE TO CHILDREN AND PETS. Do not store in plastic bags or other containers that may leak or rupture.

DISPOSAL: Do not dispose of this product in water. Do not incinerate or puncture. Do not pour down drain. Do not mix with other chemicals. Do not mix with food or feed materials.

DO NOT INCINERATE OR PUNCTURE

Guardian Personal Security Products, LLC

2163 N. 10th Ave.

Phoenix, AZ 85027

1-800-527-4434 (602) 582-1070

CHEMICAL EMERGENCY: 1-800-493-9300

EPA Registration No: 71920-1 EPA Est. No: 071920-AZ-001

NET CONTENTS: 7.9 ounces (225g) or 9.2 ounces (260g)
or 6.3 ounces (180g)

Disclaimer: To the extent allowed by law, Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an on-going research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434 for details.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS:

This product may be used only to deter bears which are attacking or appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke bears.

This product may not be effective in all situations to prevent all injuries. Do not spray this product on

plants, other objects, or on clothing. Such use has no deterrent effect on bears.

Keep safety clip in place except when practicing with or using the product. Do not

allow to be eaten any food or feed materials which may have become

contaminated with this product. Use with caution. Contact will cause pain

and temporary impairment to eyes, nose, mouth and lungs. Individuals who

suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds [225-g container] 5.4 seconds [260-g container] 3.25 seconds [180-g container]

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

(DIRECTIONS FOR USE are continued in the next column.)



{fig.1}



{fig.2}



{fig.3}

DIRECTIONS FOR USE (continued)

APPLICATION DIRECTIONS: (continued)

To arm and apply:

Place forefinger through loop in handle with thumb on curl of safety clip (fig.1). With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb releasing a 1 second burst of spray (fig.2). This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the trigger burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

To disarm:

Replace safety clip as illustrated (fig.3).

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID- IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not store near heat or open flame. Do not pierce or incinerate container. Exposure to temperatures above 130°F may cause bursting.

ENVIRONMENTAL HAZARDS: Do not apply directly to water. Do not contaminate water by disposing of unused material.

GUARDIAN
PRODUCTS

Phoenix, AZ 85027 1-800-527-4434

BearGuard™

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME SELECTED CONFRONTATIONS WITH BEARS. IT IS NOT BE EFFECTIVE IN ALL SITUATIONS. PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

**KEEP OUT OF REACH OF CHILDREN
DANGER**

Strong irritant. Avoid nose and skin contact. Wash thoroughly with soap and water after handling. See Statement for additional precautions.

Active ingredients:
Capsaicin and related capsaicinoids 2.0%
Inert ingredients 98.0%
TOTAL 100.0%
*Made from natural oil of Capsaicin

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE. INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where children or pets can reach. Below 50°F.

DISPOSAL: When not in use, keep valve closed. Do not pierce or puncture. Seal and wrap container in newspaper and dispose in trash.

DO NOT INCINERATE OR PUNCTURE

Guardian Personal Security Products, LLC

21635 N. 14th Ave.
Phoenix, AZ 85027

1-800-527-4434 (602) 582-1070

CHEMICAL EMERGENCY: 1-800-493-9300

EPA Registration No: 71920-1 EPA Est. No: 071920-AZ-001

**NET CONTENTS: 7.9 ounces (225g) or 9.2 ounces (260g)
or 6.3 ounces (180g)**

Disclaimer: To the extent allowed by law, Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an on-going research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434 for details.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS:

This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations to prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.



(fig.1)



(fig.2)



(fig.3)

This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds [225-g container] 5.4 seconds [260-g container] 3.25 seconds [180-g container]

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

(DIRECTIONS FOR USE are continued in the next column.)

DIRECTIONS FOR USE (continued)

APPLICATION DIRECTIONS: (continued)

To arm and apply:

Place forefinger through loop in handle with thumb on curl of safety clip {fig.1}. With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb releasing a 1 second burst of spray {fig.2}. This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the trigger burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

To disarm:

Replace safety clip as illustrated {fig.3}.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.
FIRST AID- IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

ENVIRONMENTAL HAZARDS: Do not apply directly to water. Do not contaminate water by disposing of unused material.

GUARDIAN
PRODUCTS

Phoenix, AZ 85027 1-800-527-4434

BearGuard™

DO NOT SEEK OUT ENCOUNTERS WITH BEARS.

THIS PRODUCT IS A BEAR ATTACK DETERRENT

WHICH MAY PROTECT USERS IN SOME

SELECTED CONFRONTATIONS WITH BEARS.

IT IS NOT BE EFFECTIVE IN ALL SITUATIONS.

BEFORE TAKING THIS PRODUCT INTO AREAS

WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN

DANGER

Strong irritant. Use with care and avoid contact with eyes. Wash thoroughly with soap and water after handling. See Safety Data Sheet for additional precautions.

Active Ingredients:

Capsaicin and related capsaicinoids 2.0%

Inert Ingredients 98.0%

TOTAL 100.0%

Made from Oleoresin of Capsicum

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE.

DO NOT LEAVE IN REACH OF CHILDREN AND DO NOT USE IN PLACES WHERE CHILDREN OR ANIMALS ARE KEPT.

DISPOSAL: Do not dispose of in water. Dispose of in a sealed container.

Do not use for any purpose other than that intended.

Do not use for any purpose other than that intended.

Do not use for any purpose other than that intended.

DO NOT INCINERATE OR PUNCTURE

Guardian Personal Security Products, LLC

21630 N. 19th Ave.

Phoenix, AZ 85027

1-800-527-4434 (602) 582-1070

CHEMICAL EMERGENCY: 1-800-493-9300

EPA Registration No: 71920-1 EPA Est. No: 071920-AZ-001

NET CONTENTS: 7.9 ounces (225g) or 9.2 ounces (260g)
or 6.3 ounces (180g)

Disclaimer: To the extent allowed by law, Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an on-going research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434 for details.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS:

This product may be used only to deter bears which are attacking or appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke bears. This product may not be effective in all situations.

Do not prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears.

Keep safety clip in place except when practicing with or using the product. Do not allow to be eaten any food or feed materials.

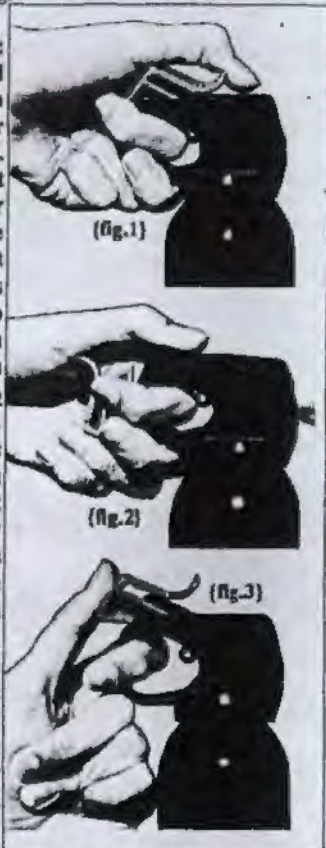
Contaminated with this product. Use with caution. Contact will cause pain and temporary impairment to eyes, nose, mouth and lungs.

Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds [225-g container] 5.4 seconds [260-g container] 3.25 seconds [180-g container]

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

(DIRECTIONS FOR USE are continued in the next column.)



DIRECTIONS FOR USE (continued)

APPLICATION DIRECTIONS: (continued)

To arm and apply:

Place forefinger through loop in handle with thumb on curl of safety clip (fig. 1). With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb releasing a 1 second burst of spray (fig. 2). This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the trigger burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

To disarm:

Replace safety clip as illustrated (fig. 3).

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID- IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130°F may cause bursting.

ENVIRONMENTAL HAZARDS: Do not apply directly to water. Do not contaminate water by disposing of used material.

**GUARDIAN
PRODUCTS**

Phoenix, AZ 85027 1-800-527-4434

BearGuard™

DO NOT SEEK OUT ENCOUNTERS WITH BEARS.

THIS PRODUCT IS A BEAR ATTACK DETERRENT

WHICH MAY PROTECT USERS IN SOME

UNEXPECTED CONFRONTATIONS WITH BEARS.

IT IS NOT BE EFFECTIVE IN ALL SITUATIONS.

DO NOT ATTEMPT ALL INJURIES. READ THIS ENTIRE LABEL

BEFORE TAKING THIS PRODUCT INTO AREAS

WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN

DANGER

Strong Irritant. Causes severe and almost instantaneous irritation with

soap and water after handling. See Side Panel for additional

precautions.

Active Ingredients:

Capsaicin and related capsaicinoids 2.0%

Inert ingredients 98.0%

TOTAL 100.0%

*Made from Oleoresin of Capsicum

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE.

INACCESSIBLE TO CHILDREN AND PETS. Do not use if

plastic seal is broken. Do not use if container is damaged.

DISPOSAL: When empty, dispose of in a safe manner. Do not

dispose of in water. Do not dispose of in a fire. Do not

dispose of in a landfill. Do not dispose of in a

landfill. Do not dispose of in a

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Disclaimer: To the extent allowed by law, Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an on-going research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434 for details.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS:

This product may be used only to deter bears which are attacking or appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations to prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears.

Keep safety clip in place except when practicing with or using the product. Do not allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution.

Chemicals will cause pain and temporary impairment in eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds [225-g container] 5.4 seconds [260-g container] 3.25 seconds [180-g container]

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

(DIRECTIONS FOR USE are continued in the next column.)



(fig. 1)



(fig. 2)



(fig. 3)

This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds [225-g container] 5.4 seconds [260-g container] 3.25 seconds [180-g container]

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

(DIRECTIONS FOR USE are continued in the next column.)

IRB BRANCH REVIEW - TSS'

Record Number(s)

D261297

IN 12/2/99 OUT
EFFICIENCY

FILE OR REG. NO. 71920-1

PETITION OR DQ. PERMIT NO. _____

DATE DIV. RECEIVED 9/17/99

DATE OF SUBMISSION 9/15/99

DATE SUBMISSION ACCEPTED 12/2/99

TYPE PRODUCTS(S): I, D, H, F, ^mN, R^x, S

DATA ACCESSION NO(S). 449303-01

PRODUCT MGR. NO. 04

PRODUCT NAME(S) BearGuard Bear Deterrent

COMPANY NAME Guardian Personal Security Products

add small (180-g) container size

CHEMICAL & FORMULATION 2.0% Capsaicin and related capsaicinoids aerosol

Efficacy Review: BEARGUARD™, 71920-R
Guardian Products
Phoenix, AZ 85027

200.0 INTRODUCTION

200.1 Uses

2.0% "Capsaicin and related capsaicinoids*" aerosol
Federally registered "to deter bears which are attacking or
appear likely to attack humans".

200.2 Background Information

See efficacy reviews of 1/25/99, 3/9/99, and 3/16/99. This
product was registered on 3/18/99. No revised labels have
been accepted subsequently.

This review discusses a submission of 9/15/99 made by Amy
Plato Roberts of Technology Sciences Group, Inc., on behalf
of Guardian Products. Through Roberts, Guardian is
requesting authorization to offer "a 180g size container"
in addition to the 225-g and 260-g containers currently
covered by this product's label. The submission of 9/15/99
includes a cover letter from Roberts, an amendment form,
five copies of a proposed revised label, a report of a
spray pattern and spray-duration testing with the 180-g
container, a videotape of the trials which the report
summarizes, and assorted letters and newspaper articles
about peoples' experiences using Capsaicin-based aerosol
products to deter bears.

201.0 DATA SUMMARY

The spray pattern test report is cited and discussed below.

1. Scholz, K. (1999) Supplemental spray pattern testing
for BearGuard™ Bear Deterrent. Unpublished report,
Guardian Personal Security Products, Phoenix, AZ. 7 pp.

MRID# 449303-01

Like the spray pattern study previously reported for
BearGuard, the actual tests were captured on a videotape, a
copy of which was submitted along with the written report.

Scholz and an assistant ran this study outdoors, monitoring
wind speed and direction as well as temperature as they
went along. The two phases of the research were the actual
spray pattern test with the 180-g container and
determinations of the time of continuous spraying that it
took to empty such containers of their useful contents.

For the spray pattern test, the researchers set up a vertical target and sprayed product toward it from fixed distances of 5', 10', 15', 20', 25', 30' and 35'. For the benefit of those who might watch the videotape, the researchers set up posters indicating each test point. For each test, they covered the target with strips white paper. The strips were perhaps a foot wide and overlapped one another somewhat on the target. The overlapping sheets enabled Scholz to detect faint evidence of spray deposits because exposed areas were colored a bit while the covered edges of sheets remained pure white. A small mass of Christmas-tree tinsel pinned to the target reflected wind direction and also enabled researchers to detect when the repellent had gotten to the target.

For the shorter distances, test containers were placed, unshaken, on a table and fired at the target from there. Scholz held and pointed some of the containers fired from further distances. The researchers used a hand-held digital anemometer (Kestrel) to measure wind speed and reported wind direction as though the target were at 12 O'clock and the user at 6 O'clock on a giant outdoor sundial. Therefore, a pure tailwind would be called 6:00, a crosswind from the users right 3:00 and winds from between those points either 4:00 or 5:00.

Winds were very mild, with occasional gusts from various directions. Perhaps because of low and unpredictable winds during the trials', Scholz himself was exposed to the product several times and had coughing spells related to those exposures.

Results of the spray pattern test are shown below. The data presented are for the one test at each distance which was considered to be the official one. At some distances, a test was repeated because researchers had forgotten to change paper or wind had carried the spray off target. Scholz began 5' away from the target and moved 5' further back for each completed subsequent test. After 20' or so, spray patterns were so diffuse that the camera operator had to zoom in on the target to make spray dots visible, and central areas of concentration were not obvious. The results at 35' were not really measured by Scholz. Instead, Scholz looked at the target and concluded that the pattern at 35' was essentially the same as that previously seen at 30'. Scholz concluded that his company would seek a claim of 35', but the proposed revised label submitted on 9/15/99 claims only a 30' range.

DISTANCE TO TARGET	TEMPERATURE (F)	WIND SPEED (mph)	WIND DIRECTION	SPRAY PATTERN	
				<u>Height</u>	<u>Width</u>
5'	96°	0.5	6:00	32"	36"
10'	94°	1.2	6:00	43"	41"
15'	94°	0.5	6:00	66"	66"
20'	95°	1.3*	6:00	66"	71"
25'	95°	1.3†	----	90"	73"
30'	99°	0.0	----	84"	96"
35'	101°	2.5	?	84"	96"

* Taken from video. Report says "1.5" mph.

† Taken from video. Report says "0.5" mph.

‡ Taken from video. Report says "0", but last anemometer reading shown prior to spraying was "2.5".

These spray pattern results are comparable to what was previously reported for BearGuard (in tests primarily involving larger units, MRID# 447173-02). The patterns seem to me to be acceptable. It is noteworthy that very slight breezes in taped-but-not-reported trials moved the spray cloud so that it went well off target.

For the test of spray duration, Scholz reports that it took 3.50 sec and 3.03 sec to exhaust two 180-g units of their respective useful contents.

It took 3.38 sec to empty a 180-g unit fired in the Bearguard spray pattern test (MRID# 447173-02) that I discussed in the efficacy review of 1/25/99. I feel that these times are very quick. It seemed like no time at all until the spray was gone in the 3.03. Guardian seeks to have its label claim 3.25 sec as the predicted time for the 180-g container. I do not feel that 3 seconds is enough spraying time to ensure that containers test-fired at home can then be used to repel attacking bears.

The various letters and newspaper accounts address the need for effective pepper sprays to combat bears. A few of the letters mention the 180-g container size. Below, the items are identified and summarized.

Vance, N. (1999) Letter of 4/1/99 addressed "To Whom It May Concern". 1 p.

Vance, who identifies himself as "Past Outfitter/Guide Teton Wilderness Outfitting", claims to have twice averted attacks "by a full grown adult Grizzly" by using "the #9, 180-G canister" attributed to UDAP Pepper Power, a distributor name for BearGuard. The incidents almost certainly took place before BearGuard was registered. Vance claims to have been mauled by a grizzly in 1995 and to have carried Pepper Power ever since. Vance says that the size of the 180-g container is

"IDEAL for carrying as a hunting or fishing guide, as well as form many other uses.

Lapinski, M. (1999) Letter of 3/25/99 addressed "Dear Person". 1 p.

Lapinski writes that he is

"surprised and disappointed that the EPA does not intend to license the UDAP (Universal Defense Alternative Products) nine ounce can of pepper spray."

As 180 g is equal to about 6.4 oz, Lapinski is either referring to a larger size (e.g., 260 g, which has been accepted) or the "nine ounce can" that UDAP sells refers to gross weight, something with which hikers are very concerned.

Whatever the case, Lapinski claims to have used the product to spray a black bear and a mountain lion. He adds,

"There are more reasons to allow the smaller nine ounce size. Smaller women and children like the nine ounce size because it is less cumbersome. In bear and lion country, I believe it is better to carry the smaller nine ounce can, than to leave your pepper spray at home because the larger can is too bothersome."

Nyreen, D. (1999) Letter of 4/7/99 addressed "To Whom It May Concern". 1 p.

Nyreen reports having used the 180-g size of Pepper Power to make a female grizzly bear "turn away at a range of about 8 feet." Nyreen prefers the 180-g container because "it is the ideal size for carrying and using effectively". He claims to have carried a "255 gram size" and found it to be somewhat bulky. Nyreen is concerned that the size of the larger container might cause some people to pack it rather than carry it. If they did, he feels that they would not be able to respond properly due to the speed at which bears attack.

Buckingham, J. (undated) Undated letter to "Mark"
(probably Mark Matheny of UDAP). 1 p.

Buckingham reports that a member of his party diverted an attacking grizzly by using "the magnum UDAP bear spray". He does not mention a specific product size (unless "magnum" means 180 g). Had the repellent not worked, Buckingham says he would have shot the bear.

Anonymous. (Undated) Grizzly attack leaves Powell horn hunters shaken. Unidentified newspaper ("local" to Powell, WY). 2 pp.

This item was supplied by Cunningham, and it provides an account of the incident mentioned in his letter. Other than stating that the bear ran into the spray cloud 10-15 feet from Buckingham and his companion, the article does not give more information about the actual spraying than Buckingham did. The article does not mention the name of the product used or the container size. (Buckingham and his companion had been trail camping and collecting discarded elk horns.)

Sage, T. (1997) Bear spray protects hunters in local grizzly encounter. "Outdoor Outlook" column in Lone Peak Lookout newspaper. 1 p.

This item is a story-like description of an encounter involving a "250 pound" grizzly sow and her cub and two men, one of whom was a hunting guide. Despite "nearly" exhausting a can, the guide was able to divert the bear using and product that is not specifically identified. The item includes a picture of the guide's employer holding "a can of 'the spray that saved the day'". Someone has drawn a pink arrow toward the container and has written "Pepper Power" above the arrow.

This article states

"Some bear spray containers can give you 20 seconds of spray time".

None of the containers for which spray duration data have been sent to me have come close to a 20-sec duration of continuous firing.

Haines, J. (1998) Grizzly bear experts come out in favor of certain pepper sprays. Bozeman Daily Chronicle, 4/9/99. 1 p.

Written before a single Capsaicin-based pepper spray was registered in the U.S., this article begins with the sentence

"State and federal grizzly bear specialists are ready to put their influence and money behind the use of pepper spray to prevent injuries and death to hunters and bruins."

A "Yellowstone subcommittee on grizzly bear management" reportedly was

"recommending the use of recognized brands containing 10 percent oleoresin capsicum, the red pepper active ingredient that causes bears' eyes to burn as they run into the products wall-like barrier."

The item does not indicate who makes up the subcommittee, but does mention Dale Harms, of the U.S. Fish & Wildlife Service in Helena, MT, Mark Matheny of UDAP, and Chuck Bartlebaugh of the Center for Wildlife Information (CWI). Matheny and the CWI reportedly joined the U.S. Forest Service, Yellowstone N.P., and Teton N.P. in contributing funds for educational "brochures and videos". The article alludes to differences in efficacy among bear sprays but does not indicate which ones are more effective (other than saying that the product should "put down a powerful fog accompanied by a loud hissing sound").

Poppe, P. (1998) Letter of 4/16/98 to Mark Matheny, UDAP-Pepper Power. Wind River Outfitters, Dubois, WY. 1 p.

Poppe reports having witnessed a successful use of a UDAP product to divert a charging grizzly sow who had 3 cubs. The size of container involved was not used.

Leach, R. (1998) Letter of 2/18/99 to Mark Matheny. 1 p.

Leach reports that a charging grizzly sow (with 2 cubs) "pivoted on a dime and was gone" when he released UDAP Pepper Power at her from a distance of 14 feet. Leach reports that the product used was in "a 15 ounce can with holster". Because the spray worked, Leach did not have to use the revolver that he reportedly held in his other hand.

All of the items which claim successes and other advantages specifically for the 180-g size were written after it was apparent to Guardian that we were not going to accept that size. One could argue that there was no specific need to push for or even mention that container size until EPA decided only to accept the two larger sizes. While having

some bear spray may indeed be better than having none, I am concerned about incidents that would be linked to our having accepted a very small size. Anyone who would choose to leave their spray behind because it was bulkier and 2 oz heavier than their favorite size should think again.

I suspect that one could find people who feel that the 225-g size is insufficient. However, this product's label calls for an initial 1-sec burst of spray to be delivered when the bear is "about 40 feet away (2-3 seconds from reaching you)". Users are to "continue spraying" if "the bear makes it through the initial burst of spray". With perhaps a half second of spray lost in test firing and another second lost at "about 40 feet", there would be only 1-1/2 additional seconds worth of spray in a 180-g container with which to "continue spraying". Under such conditions, a user could run out of spray before deterring one bear (and have none left for any bears that might be encountered later).

The proposed revised label for BEARGUARD submitted on 9/15/99 corresponds to that accepted on 3/18/99 except for the adding of "or 6.3 ounces (180g)" to the "NET CONTENTS:" and "3.25 seconds [180-g container]" to the end of the firing duration claim in the "USE RESTRICTIONS" subsection of the "DIRECTIONS FOR USE". I would not find the proposed revised label unacceptable if I were convinced that 3 seconds is a sufficient a useful duration of firing. I feel that we should consider input from other sources before ruling favorably on Guardian's proposal

202.0 CONCLUSIONS

The spray pattern described and shown for the 180-g container size appears to be similar to that provided by larger containers in the study that you reported earlier (MRID No. 447173-02). However, the durations of effective spraying reported for the 180-g container were so short (3.03 sec and 3.50 sec in MRID No. 449303-01, 3.38 sec in MRID No. 447173-02) that we wonder whether there would be enough left to deter a bear, if the container had been test-fired and the bear had made "it through the initial burst of spray". Even if the first use were successful, the user would be ill-equipped if another bear were encountered.

Unless we receive information which clearly indicates that 1.5 seconds of available spray time is generally enough to deter one or more bears, we will not accept the 180-g size for BearGuard or for anyone else.

William W. Jacobs
Biologist
Insecticide-Rodenticide Branch
December 27, 1999

DP BARCODE: D261297

CASE: 064255
SUBMISSION: S571521

DATA PACKAGE RECORD
BEAN SHEET

DATE: 11/22/99
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 305 TECH-LBL REV AMND DATA RE
RANKING : 10 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 2.0200%

ID#: 071920-00001 BearGuard Bear Deterrent
COMPANY: 071920 GUARDIAN PERSONAL SECURITY PRODUCTS, INC.
PRODUCT MANAGER: 04 TINA LEVINE 703-308-7055 ROOM: CM2 219
PM TEAM REVIEWER: DANIEL PEACOCK 703-305-5407 ROOM: CM2 221
RECEIVED DATE: 09/17/99 DUE OUT DATE: 03/25/00

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 261297 EXPEDITE: N DATE SENT: 11/22/99 DATE RET.: / /
CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)
DP TYPE: 001

	CSF: N		LABEL: Y	
ASSIGNED TO	DATE	IN	DATE	OUT
DIV : RD	/	/	/	/
BRAN: IRB	/	/	/	/
SECT: PM04	/	/	/	/
REVR :	/	/	/	/
CONTR:	/	/	/	/

ADMIN DUE DATE: 04/20/00
NEGOT DATE: / /
PROJ DATE: / /

* * * DATA REVIEW INSTRUCTIONS * * *

Bill,

Co wants 180 gram size. Please review and comment.

Dan Peacock.

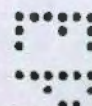
* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

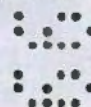
* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL
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Letters and reports in support of a 180g size container. All letters and reports refer to the supplemental distributor registration, UDAP Pepper Powder (EPA Reg. No. 71920-1-72007).



BearGuard™ Bear Deterrent
EPA Reg. No. 71920-1



Red Butte Livestock Inc.

Nate & Julie Vance

155 County Rd. 6 RT
Cody, WY 82414

Phone (307) 527-6913

Email jnvance@wavecom.net

April 01, 1999

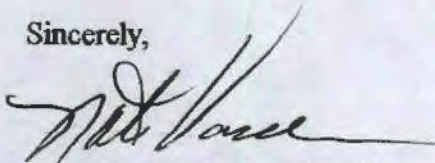
To Whom It May concern:

I am writing in regards to my experiences using UDAP's Pepper Power #9, 180G Bear Deterrent . My experience using this size of canister comes from my time in the Teton Wilderness while operating my hunting camp. Under two separate circumstances, I was charged by a full grown, adult Grizzly. Both times I was carrying the #9, 180 G canister. Both times the Grizzly was turned at a distance of 8-12 feet. This size of canister is IDEAL for carrying as a hunting or fishing guide, as well as for many other uses. It allows freedom of movement while horseback, hiking, fishing, so forth. All of my hunting guides carry this size canister. The larger canisters are fine, but we kept them in our Cook Tent and Hunter Tents.

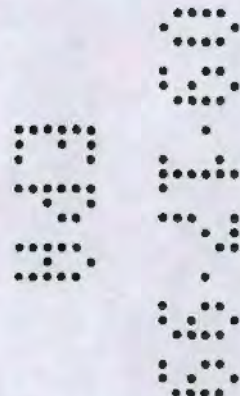
I was mauled by a Grizzly bear in the fall of 1995, and was not carrying Pepper Power at that time. Since that time, it never leaves my side while in the Wilderness. The convenient size of the #9, 180G canister is very conducive to carrying it without inconvenience due to size.

It is due to my practical use of the UDAP-#9, 180 G size Pepper Power, that I recommend it to all those whom I know are going into BEAR COUNTRY.

Sincerely,



Nate Vance-Past Outfitter/Guide
Teton Wilderness Outfitting





MIKE LAPINSKI

P.O. BOX 874
VICTOR, MT 59875

1-406-~~642-6717~~
822-3122

March 25, 1999

Dear Person,

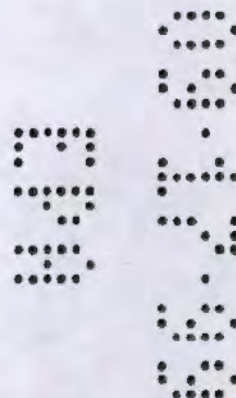
I was surprised and disappointed that the EPA does not intend to license the UDAP (Universal Defense Alternative Products) nine ounce can of pepper spray. I've heard that the EPA doubts the potency of the nine ounce size, especially with lions. I have personally sprayed one black bear and one mountain lion here in Montana with the UDAP nine ounce pepper spray. Each time, the spray from the nine ounce can halted the aggressive animal and made it swap ends quickly.

There are more reasons to allow the smaller nine ounce size. Smaller women and children like the nine ounce size because it is less cumbersome. In bear and lion country, I believe it's better to carry the smaller nine ounce can, than to leave your pepper spray at home because the larger can is too bothersome.

I hope you will consider my objections and suggestions.

Sincerely,

Mike Lapinski



FROM : ALEKSANDRA PREGA

PHONE NO. :

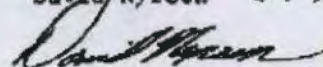
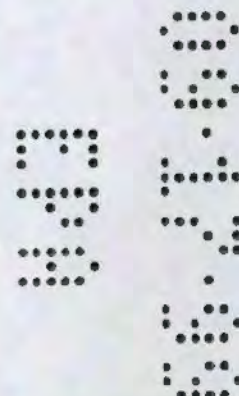
Apr. 07 1999 09:44AM P1

Post-Net Fax Note	7671	Date	4-7-99	# of pages	1
To	Amy Roberts	From	Mark Matheny		
Co./Dept.	Regulatory	Co.	UDAP		
Phone #		Phone #			
Fax #		Fax #			

To whom it may concern ,

This letter is in regard to the effectiveness of U.D.A.P. § 180 gram Pepper Power bear deterrent. On Sept. 1 1996 while elk hunting with my uncle, we were charged by a sow grizzly with two small cubs. She came at us full bore but I was able to stop and make her turn away at a range of about 8 feet. Mr. Matheny informed me that he may have to discontinue the 180 gram size of Pepper Power. I consider the 180 gram size to be effective in stopping an attack. One of my main concerns about discontinuing of the 180 gram size is that I feel it is the ideal size for carrying and using effectively. After my encounter, I bought the 255 gram size of spray and although it contains more spray and should be just as effective I found it a bit on the bulky side and my concern is because of the size, some people may put it in their backpack or coat pocket where it will do them no good in the event of an attack. A bear is an amazingly fast animal and you need access to your deterrent immediately. I feel the discontinuing of the 180 gram size would be a grave mistake and although I, am no expert on bear attacks, I,ve been there and know what worked for me and have carried both sizes of spray to form a valid opinion.

Thank you,
David Nyreen 4-7-99

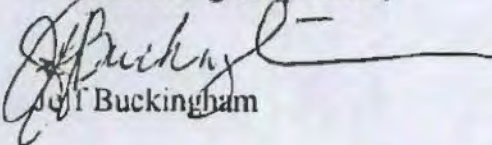



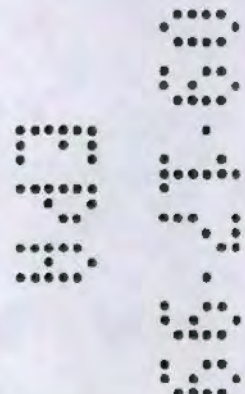
Jeff Buckingham
830 North Day
Powell, WY 82435
(307)754-5822

Dear Mark,

On June 28th, 1998, my buddy, Cory Nuss, and I were hiking in the wilderness area near the East Entrance of Yellowstone National Park. We had been backpacking for three days and we making our way back to the Elks Fork Trailhead where our vehicle was parked. At eleven o'clock that morning we ran into a sow grizzly with two very large cubs. We saw the cubs just as we broke into a small clearing. They were about 40 yards away. The cubs immediately ran away. As they were running away, the sow stood up to get a better look at us. When she saw us, she dropped down on all fours and charged. I usually carry both the magnum UDAP bear spray and a .44 magnum pistol. Cory did not have either one, so he carried my bear spray just in case. The sow was 10 feet away when Cory sprayed her. She immediately hit the brakes and wheeled away. I was just about to shoot her when Cory sprayed her. There is no doubt in my mind that the bear spray saved the bear from being shot, and prevented serious injury or worse to Cory and myself. I am a true believer in your product. I spend many days a year hiking and hunting in grizzly country and I no longer go anywhere without your product. Also several of my friends have "invested" in a can of UDAP bear spray. Thanks for such a great product. I have also enclosed a copy of an article that ran in the local paper about the incident.

Thanks for a great product,


Jeff Buckingham



Grizzly attack leaves Powell horn hunters shaken Grizzly

(Cont'd from Page 1)

Cory Nuss and Jeff Buckingham of Powell were mostly thinking about getting back to the truck parked at the Elks Fork Campground at about 11 a.m. June 28.

It was a Sunday and they'd made a lot of miles since leaving the truck behind Friday night on a horn hunting expedition. Slept on the ground two nights, ate Cup-of-Soups and a couple of Power Bars. They were ready for some real food.

Each guy had about 50 pounds of elk antlers tied on their packs and were carrying a couple of drops in their hands as well.

So they were weary and not talking much when they broke out of a patch of heavy timber just below the Cabin Creek meadows. Traveling a little too quietly, as it turned out.

Jeff saw the two grizzly cubs about 50 yards away and motioned for Cory to hunch down, which both men did. But the cubs took notice of the men too and ran off squealing, as the sow stood on her hind feet to determine where and what they were.

"She raised up on her hind feet," Cory recalls. "And as she went back down she hit the ground running. I told Jeff 'Here she comes!'"

Cory says the next few moments went by as if in slow motion, although he knows the entire sequence of events lasted only a matter of a few seconds.

"It seemed like slow motion, but she was right on us," Cory marvels. He could hear her breath huffing.

Although he doesn't remember doing it, he grabbed the pepper spray off his belt and as the

sow bore down on him, unleashed the spray.

Jeff says the grizzly ran into the spray cloud at 10 or 15 feet out and made a U-turn, disappearing in a moment.

Jeff, who had been packing a .44 Magnum on his belt, had managed

not have to deal with grizzlies. "I think there's way too many of them," he says.

He says he's heard of a federal grid map of northwest Wyoming, in which every grid is supposed to have one reproducing sow with cubs at side. Until every grid is full, he's



Cory Nuss

to draw it and had pulled the hammer back to shoot when Cory unleashed the spray.

Weirdly, Cory says the attack took place in almost total silence. Other than the bear's breathing, she made little noise in charging and retreating. No branches breaking or anything.

And Jeff and Cory didn't speak much for the first hour or so afterward. They just put some country between themselves and the bear.

"We didn't really even get scared until about an hour afterward," Jeff says. And that was on a high, open ridge top, miles away.

Cory confesses he's always been pretty scared of bears and didn't sleep all that well even before the attack, but they had seen only one grizzly track in two days prior to the incident. When told he might have saved the sow's life by hitting her with the spray, Cory says he'd rather



Jeff Buckingham

heard de-listing will not occur, which he thinks is ridiculous because some of the areas are not suitable grizzly habitat.

Jeff, who's had other encounters with grizzlies but none quite so up close and personal, says he doesn't mind sharing the woods with them, but would like to see them taken off the endangered species list.

When asked if they would have done anything differently if faced with the same circumstances again, both men agree they probably should have been making more noise. "We spooked those cubs," Jeff says.

And for a few days after returning from the mountains, Cory admits he didn't care if he ever went to the hills again. He's calmed down considerably since and was planning another weekend camping trip when interviewed.

Bring a fresh can of pepper spray.

Please see Grizzly, Page 3



Bear Spray Protects Hunters in Local Grizzly Encounter

Some bear spray containers give you 20 seconds of spray time for as high as \$35.

Bozeman hunting guide, Gary Clutter used up nearly a can of his to repel a charging grizzly bear and he didn't mind the price at all. The spray turned a 250 pound sow and her cub away from Clutter and his hunting client, Jay Wrobliske, of Houston, Texas, after the sow had approached to within six feet of Wrobliske.

The incident occurred Tuesday, November 25th while the men were hunting a finger ridge near thick timber in Porcupine Basin of the Gallatin National Forest.

"The undergrowth exploded and we thought we kicked up an elk or a moose and that's fully what we expected to see coming out of the trees," Clutter related. "Instead, there were two grizzly bears coming right for us and the sow was at full charge.

Clutter said he likened the approach of the bruins to "a dog coming off a porch after you and you know that feeling." He added that the sow was "whoofing and running" as she took aim at Wrobliske and then suddenly stopped six feet away from him.

"Jay was down aiming his rifle at her, but he had the wherewithal to realize it was a false charge. He was one cool customer!"

According to Clutter what happened next was somewhat confusing. During the initial charge he was unholstering his bear spray. The grizzly saw his movement and came for him.

"As she broke off of Jay I flicked the safety off the spray and remember thinking, I hope this thing works because she's really gonna chew me up."



Dan Reddick, owner of Wapiti Basin Outfitters, displays a can of "the spray that saved the day" recently for one of his guides and a hunting client during a grizzly bear encounter in Porcupine drainage.

Clutter said the first, burst of spray hit the bear on the shoulder and she turned more directly toward him. Then he let go with a full blast to the sow's face.

"She broke away from me like a dog on a chain, so fast she ran over her cub," he explained.

The guide, who works for Wapiti Basin Outfitters, owned by Dan Reddick of Belgrade, said the charge and retreat took ten seconds.

It was one of the most memorable ten seconds in the life of Wrobliske.

"I was scared, yes I was but under control enough to shoot her if I had to and I would have," Wrobliske said from his law enforcement office in Houston.

He continued: "She was close to me no more than six feet away. But when she broke off of me I laid my rifle down and when she went for Gary, I had it right back on my shoulder. It happened so fast and yet it's incredible all the things you do in reacting.

Reddick credits the fact that no man or bear was wounded or

killed to the bear encounter training his staff receives and that all his guides are required to carry bear spray. Additionally, clients who will be hunting in bear country are informed of that fact well in advance of the hunt and they too receive bear spray.

"Let's face it, there are more grizzly bears now than ever. In many areas they're out longer in the year and today's bear knows no fear because he has no predator. There's a danger in recreating in bear country and I think people have to be aware of it and train themselves according," Reddick emphasized.

One of Reddick's brochures points out: "Outstanding, seasoned guides are the key to a memorable hunt." Wrobliske agrees.

"They're great. Gary was cool in our situation and handled it exceptionally well," Wrobliske said.

He concluded that had his guide not been so knowledgeable, the bear encounter might have had a much more serious outcome.

Grizzly bear experts come out in favor of certain pepper sprays

By JOAN HAINES
Chronicle Staff Writer

State and federal grizzly bear specialists are ready to put their influence and money behind the use of pepper spray to prevent injuries and death to hunters and bruins.

In a draft position paper on pepper spray, members of a Yellowstone subcommittee on grizzly bear management got specific.

They're recommending the use of recognized brands containing 10 percent oleoresin capsicum, the red pepper active ingredient that causes the bears' eyes to burn as they run into the product's wall-like barrier.

"The use of pepper spray as a bear deterrent will reduce the number of grizzly bears killed in self defense and help promote the recovery and survival of the grizzly bear in the Yellowstone Ecosystem," the paper said.

Several grizzlies were shot and killed by hunters last fall while the spray stopped some grizzly attacks.

"We've gone through three straight years of exceeding female mortality quotas," said Dale Harms of the U.S. Fish and Wildlife Service in Helena. "Pepper spray is an option."

Not all pepper sprays are created equal, said Mark Matheny of Gallatin Gateway, who makes a spray called UDAP.

Those that work best put down a powerful fog accompanied by a

loud hissing sound.

"What scares me is that a bear will maul someone and they will say, 'I sprayed it and I was still badly mauled,'" Matheny said at the meeting of bear managers Wednesday in the Montana State University alumni building.

The bear specialists voted to provide \$25,000 to \$27,000 to help the Center for Wildlife Information in Missoula produce brochures and a short video on the proper use of pepper spray for hunters, outfitters and recreationists. The brochures also would address how to store food and behave in bear country to avoid confrontations.

The Forest Service, Yellowstone and Grant Teton national parks and state wildlife departments will kick in money for the brochures and videos. Matheny of UDAP will contribute \$1,000 and the Center for Wildlife Information will provide \$5,000.

More and more backcountry users have questions about pepper spray, said Chuck Bartlebaugh, spokesman for the wildlife center.

People wonder if they should squirt a bear to get it away from their backpacks or out of their yards. Bear managers need to come up with answers to questions like that, Bartlebaugh said.

It's important for people using the Yellowstone area's backcountry to realize pepper spray isn't a substitute for taking proper precautions in bear country.

UDAP-Pepper Power
Mr. Mark Matheny,

4-16-98

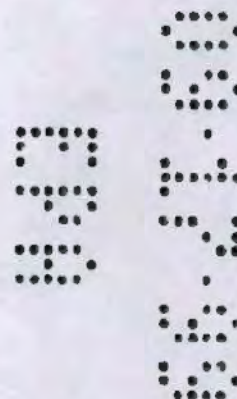
I am a sheep and elk guide, in northwest Wyoming and with my experiences in the wilderness and around grizzly bears, I had to write to tell you how truly impressed I am with your pepper spray.

Last year left me with a new and surprised outlook on your pepper sprays, I had heard about them, but never had the chance to use them.

Sheep hunting with a client, we headed above timber line, just before we broke out of the timber we stopped for a rest. A snapped twig announced the presence of a charging sow and three cubs, the hunter immediately grabbed for his pepper spray, and shot the bear with the (UDAP) at ten feet, the bear spun and ran off.

Anyone who believes Bears like the taste of pepper spray, sure needed to see this!

Patrick Poppe
Wind River Outfitters
Dubois, Wyoming



February 18, 1998

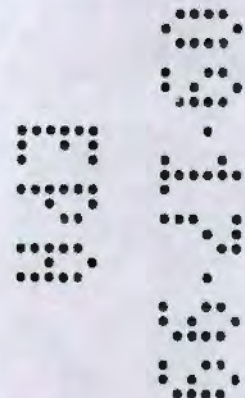
Mr. Mark Matheny,

I had an encounter last September concerning your product, UDAP Pepper Spray.

First, let me give you some background. After talking with my wife's uncle, Rex Rogers, he consulted his hunting partner, Dick Frederickson, and they decided to take me hunting with them. Rex had told me earlier that, in ten years hunting the Gallatin National Forrest of Montana, they had never had a run in with a Grizzly, but he and Dick still carried your Pepper Spray. They had carried a less potent brand until they had a run-in with a stray dog, which it barely phased. I take it this is what prompted them to switch to UDAP Pepper Power. After weighing the price of the spray compared to the chance of being attacked, Rex's words finally persuaded me into buying a 15 ounce can with holster. We were off to our bow hunting camp. About 6:15 a.m. the next morning, I finally made it up to the ridge I was planning to hunt. As I crowned the meadow atop the ridge, through the one pine tree in the whole meadow, I saw an eight inch brown patch of hide. I stalked around the downwind side of the ridge, thinking I might get close enough to find horns. As I closed in on the top of the meadow, I knew I was only going to be thirty yards away from what could be my lucky elk. Peaking over the crown, my eyes focused on something I wasn't prepared for, a sow Grizzly with her two cubs. Even though I had Pepper Power Spray on one side and my revolver on the other, I figured my best tactic was to let them feed away from me, and I would sneak off. My theory worked for about two minutes. When she cut my track where I entered the meadow, she whirled around on her hind feet to where she could see me, totally skylined. At that point, sixty yards away, I knew I was in the wrong spot at the wrong time. In a split second, she woofed and was on a mad dash directly at me. Knowing I was over one hundred yards from a tree, I drew my pistol and the spray. By this time, she was at thirty yards, still going full bore. Hoping she was just bluffing, I stood dead still. I knew I couldn't get a good enough shot to stop her in her tracks. On the other hand, what if I let her get close enough to spray, and it wouldn't phase her? By this time, she was at fourteen feet, ears laid back in attack mode. Fighting reflexes, I squeezed the spray. The instant that fog hit her nose, she pivoted on a dime and was gone.

Keep in mind, I'm not a person whose thoughts are easily swayed. One thing is for sure, had I not been packing UDAP Pepper Power Spray, I would have been mauled or possibly killed!! From September 6th through the 14th, we saw thirteen Grizzlies. Thanks to Rex and Dick for the great hunt. Thanks to Mark Matheny, I'm still here to enjoy our trophies. We'll feel safer hunting this year.

Russ (Eric) Leach



Administrative
Materials

AMENDMENT

APPLICATION FOR AMENDMENT

N/FT

WITH DATA -

WITHOUT DATA

INIT.

DATE

INIT.

DATE

FEU ju

9-24-99

FEU _____

SIG (DATA) _____

PM _____

PM 04

OPP # 265569



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

September 24, 1999

GUARDIAN PERSONAL SECURITY PRODUCTS LLC
21639 N. 14th AVENUE
PHOENIX, AZ 85027

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

ATT: AMY PLATO ROBERTS

PRODUCT NAME: BEARGUARD BEAR DETERRENT
OPP IDENTIFICATION NUMBER: 265569
EPA REGISTRATION NUMBER: 71920-1
EPA RECEIPT DATE: 09/17/99

SUBJECT: RECEIPT OF AMENDMENT

Dear Registrant:

The Office of Pesticide Programs has received your application for an amendment.

The package will now be forwarded to the Product Manager for review to determine its acceptability.

Please note that this is only a notification of receipt and does not constitute approval of your application.

If you have any questions, please contact Dan Peacock, Product Manager 04, at 703-305-5404.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Whittle".

Front End Processing Staff
Information Services Branch
INFORMATION RESOURCES & SERVICES DIVISION



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☒ Amendment
☐ Other

OPP Identifier Number

265569

Application for Pesticide - Section I

1. Company/Product Number 71920-1	2. EPA Product Manager Dan Peacock <i>04</i>	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) BearGuard Bear Deterrent	PM# Insecticide/Rodenticide Branch	
5. Name and Address of Applicant (Include ZIP Code) Guardian Personal Security Products LLC 21639 N. 14th Avenue Phoenix, AZ 85027 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(ii), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input checked="" type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Label Amendment to add a 180g size container.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input checked="" type="checkbox"/> Metal	
If "Yes" Unit Packaging wgt. No. per container			If "Yes" Package wgt. No. per container	<input type="checkbox"/> Plastic	
				<input type="checkbox"/> Glass	
				<input type="checkbox"/> Paper	
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 180g, 225g, 260g		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled				<input type="checkbox"/> Other _____	

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Amy Plato Roberts		Title Regulatory Consultant		Telephone No. (Include Area Code) (202) 828-8964	
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment both under applicable law.				6. Date Application Received (Stamped) 	
2. Signature 		3. Title Regulatory Consultant			
4. Typed Name Amy Plato Roberts		5. Date September 15, 1999			

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PAPERWORK REDUCTION ACT NOTICE and INSTRUCTIONS

PAPERWORK REDUCTION ACT NOTICE: Public reporting burden for this collection of information is estimated to average 0.85 hour per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, (2136), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

INSTRUCTIONS: This form is to be used for all applications for new registration, and use reregistration, amendment, resubmission, to applications for notifications, final printed labeling, reregistration, etc. In order to process an application for a new registration submitted on this form, the following material must accompany the application:

1. Certification with Respect to Citation of Data (EPA Form 8570-29). [If not exempted by 40 CFR 152.81 (b) (4)];
2. Confidential Statement of Formula (EPA Form 8570-4);
3. Formulator's Exemption Statement (EPA Form 8570-27);
4. Five copies of draft labeling;
5. Three copies of any data submitted;
6. Authorization letter where applicable;
7. Matrices where applicable.

Submission of Labeling - Labeling should first be submitted in the form of draft labels with all applications for new registration. Such draft labels may be in the form of typed label text on 8.5 x 11 inch paper for submission or a mockup of the proposed label. If prepared for mockup, it should be constructed in a way as to facilitate storage in an 8.5 x 11 inch file. Mockup labels significantly smaller than 8.5 x 11 inches should be mounted on 8.5 x 11 inch paper for submission.

Submission of Data - Data submitted in support of this application must be submitted in accordance with PR Notice 86-5.

SPECIFIC INSTRUCTIONS: Please read the instructions listed below before completing this application. First determine the type of registration action, listed in Block A, for which you are submitting this application. For applications submitted in connection with New Registration actions, Sections I, III, and IV must be completed by the applicant. For applications submitted in connection with amended reregistration actions, resubmissions, notifications, reregistrations, etc., Sections I, II, and IV must be completed by the applicant.

Block A - Check the appropriate action for which you are submitting this form.

SECTION I - This section must be completed, as applicable, for all registration actions.

1. **Company/Product Number** - Insert your Company Number, if one has been assigned by EPA. This number may have been assigned to you as a basic registrant, a distributor, or as an establishment. If your product is registered, insert the Product Number.
2. **EPA Product Manager** - If known, fill in the name and PM number of the EPA Product Manager.
3. **Proposed Classification** - Specify the proposed classification of this product.
4. **Product Name** - Enter the complete product name of this pesticide as it will appear on the label. The name must be specific to this product only. Duplication of names is not permitted among products of the same company. Do not include any brand name or company line designations.
5. **Name and Address of Applicant** - The name of the firm or person and address shown in your application is the person or firm to whom the registration will be issued. If you are acting in behalf of another party, you must submit authorization from that party to act for them in registration matters. An applicant not residing in the United States must have an authorized agent residing in the United States to act for them in all registration matters. The name and complete mailing address of such an agent must accompany this application.
6. **Expedited Review** - FIFRA section 3 (c) 3 (B) provides for expedited review of applications for registration, or amendments to existing registration that are similar or identical to other pesticide products that are currently registered with the EPA. In order for your application to be eligible for expedited review, you must provide us with the EPA Registration Number and product name of the product you believe is similar to or identical to your product. The product must be similar or identical in both formulation and labeled uses.

SECTION II - This section must be completed for all applications submitted to amend the registration only of a currently registered product (Amendment), for a resubmission in response to an Agency letter, for notifications to the Agency, for the submission of final printed labeling, for reregistration and for any other action that pertains to a specific EPA-registered product. This section is not to be used for a new application for registration.

1. **Subject of submission** - Check the applicable block and provide the Agency letter date if appropriate. Provide a brief explanation of the purpose(s) for the submission, such as "the addition of a site, pest or crop (specify)"; "amend the Confidential Statement of Formula by..."; "reregistration submission"; "general label revision of use directions." Attach a separate page if additional space is needed.

SECTION III (Packaging and Container Information) - This Section must be completed for all applications submitted in connection with new registration or applicable amendments.

1. **Type of Packaging** - Check the appropriate block if your product will be packaged in the indicated packaging types. Indicate the size of the individual packets and number per retail container.
2. **Type of Retail Container** - Indicate type of container in which product will be marketed.
3. **Location of Net Contents** - Indicate the location of the net contents information for your product.
4. **Size(s) of Retail Container** - Specify the net contents of all retail containers for your product.
5. **Location of Use Directions** - Indicate the location of the use directions for your product.
6. **Manner in which label is affixed to product** - Indicate the method product label is attached to retail container.

SECTION IV (Contact Point) - This Section must be completed for all applications for Registration actions, i.e., new products registration, resubmission, "me-too," reregistration, etc.

- 1-5. Self-explanatory.
6. EPA Use Only.

DP BARCODE: D254226

CASE: 064255
SUBMISSION: S558474

DATA PACKAGE RECORD
BEAN SHEET

146 5-558474
37
taken care of Registration
in notebook
DATE: 01/05/00
Page 1 of 2

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 146 RESB NEW BIO-NON-FD-FED
RANKING : 0 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 2.0200%
ID#: 071920-00001 BearGuard Bear Deterrent
COMPANY: 071920 GUARDIAN PERSONAL SECURITY PRODUCTS, INC.
PRODUCT MANAGER: 04 TINA LEVINE 703-308-7055 ROOM: CM2 219
PM TEAM REVIEWER: DANIEL PEACOCK 703-305-5407 ROOM: CM2 221
RECEIVED DATE: 03/16/99 DUE OUT DATE: 08/13/99

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 254226 EXPEDITE: N DATE SENT: 03/17/99 DATE RET.: 04/13/99
CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)
DP TYPE: 001

CSF: N	LABEL: N
ASSIGNED TO	DATE IN DATE OUT ADMIN DUE DATE: 06/30/99
DIV : RD	03/17/99 04/13/99 NEGOT DATE: / /
BRAN: IRB	03/17/99 04/13/99 PROJ DATE: / /
SECT: PM04	03/17/99 04/13/99
REVR : BJACOBS	03/17/99 04/13/99
CONTR:	/ / / /

* * * DATA REVIEW INSTRUCTIONS * * *

Bill,

Amy Roberts submitted examples of letters that they would & would NOT submit to support efficacy.

In our 3/17/99 ltr I offered the company a 3rd alternative for the "Note to Consumers", a shortened version of your comment. Since it was about the same length as their version, it would take away the argument that there was not enough space on the label for a version that invites letters rather than phone calls.

In our 3/17/99 letter, I also reworked the text to make it more neutral. Regardless of which of the three versions selected, I plan to add text in the Notice that informs the company that:

1. we will review whatever the company submits,
2. we can make no promises as to the usefulness of the letters,
3. additional data (such as video tapes) would be required

REQUEST:

DP BARCODE: D254226

CASE: 064255
SUBMISSION: S558474

DATA PACKAGE RECORD (CONTINUED)
BEAN SHEET

DATE: 01/05/00
Page 2 of 2

* * * DATA REVIEW INSTRUCTIONS * * *

Please comment on letters or say that they were noted.
No hurry on this action.

Dan Peacock

* * * DATA PACKAGE EVALUATION * * *

Co.'s agent supplied two examples of user accounts. Neither
would be acceptable in place of a true efficacy study.

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL
-------	----------------	----------	----------	-----	-----	-------

DP BARCODE: D254226

CASE: 064255

SUBMISSION: S558474

DATA PACKAGE RECORD

BEAN SHEET

DATE: 03/17/99

Page 1 of 2

*** CASE/SUBMISSION INFORMATION ***

CASE TYPE: REGISTRATION ACTION: 146 RESB NEW BIO-NON-FD-FED

RANKING : 5 POINTS ()

CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum)

2.0200%

ID#: 071920-R BearGuard Bear Deterrent

COMPANY: 071920 GUARDIAN PERSONAL SECURITY PRODUCTS, INC.

PRODUCT MANAGER: 04 TINA LEVINE

703-308-7055

ROOM: CM2

219

PM TEAM REVIEWER: DANIEL PEACOCK

703-305-5407

ROOM: CM2

221

RECEIVED DATE: 03/16/99

DUE OUT DATE: 08/13/99

*** DATA PACKAGE INFORMATION ***

DP BARCODE: 254226

EXPEDITE: N

DATE SENT: 03/17/99

DATE RET.: / /

CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)

DP TYPE: 001

CSF: N

LABEL: N

ASSIGNED TO

DATE IN

DATE OUT

ADMIN DUE DATE: 06/30/99

DIV : RD

/ /

/ /

NEGOT DATE: / /

BRAN: IRB

/ /

/ /

PROJ DATE: / /

SECT: PM04

/ /

/ /

REVR : *44*

3/17/99

4/13/99 *OK*

CONTR:

/ /

/ /

*** DATA REVIEW INSTRUCTIONS ***

Bill,

No HURRY

Amy Roberts submitted examples of letters that they would & would NOT submit to support efficacy.

In our 3/17/99 ltr I offered the company a 3rd alternative for the "Note to Consumers", a shortened version of your comment. Since it was about the same length as their version, it would take away the argument that there was not enough space on the label for a version that invites letters rather than phone calls.

In our 3/17/99 letter, I also reworked the text to make it more neutral. Regardless of which of the three versions selected, I plan to add text in the Notice that informs the company that:

1. we will review whatever the company submits,
2. we can make no promises as to the usefulness of the letters,
3. additional data (such as video tapes) would be required

REQUEST:

DP BARCODE: D254226

CASE: 064255
SUBMISSION: S558474

DATA PACKAGE RECORD (CONTINUED)
BEAN SHEET

DATE: 03/17/99
Page 2 of 2

* * * DATA REVIEW INSTRUCTIONS * * *

Please comment on letters or say that they were noted.
No hurry on this action.

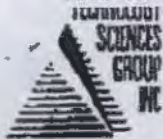
Dan Peacock

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL
-------	----------------	----------	----------	-----	-----	-------

**TECHNOLOGY SCIENCES GROUP INC.**
WASHINGTON OFFICE

WASHINGTON

1101 17th Street, N.W.

Suite 500

Washington, D.C. 20036

Telephone 202 223 4382

Fax 202 872 0745

Date: 3/16/99

Time:

To: Dan Peacock

Company: Insecticide - Rodenticide Branch, RO

Fax Number: (703) 305-6596

From: Amy Roberts

Company: Technology Sciences Group Inc.

Fax Number: (202) 872-0745

Subject: BearGuard (Guardian)

Pages, including cover

Message:

Dan - as mentioned this am, attached are examples of user accounts - to give you an idea. The first would be something that we would submit to EPA, the second would be something we would probably not submit as it less formal. So again, we would only submit accounts similar to the Nate Vance one, if they are available.

Regards, Amy Roberts

CONFIDENTIALITY NOTICE

This facsimile cover sheet and any documents which may accompany it, contain information from Technology Sciences Group Inc., which is intended for the use of the individual or entity to which it is addressed, and which may contain information that is privileged, confidential, and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, any disclosure, dissemination, distribution, copying, or other use of this communication or its substance is prohibited. If you have received this communication in error, please call us collect to arrange for the destruction of the communication or its return to us at our expense. Thank you.

CALIFORNIA

2700 Stuart Street Tower

One Market

San Francisco, CA 94105

Telephone 415 267 4119

Fax 415 267-4198

712 Fifth Street

Suite A

Davis, CA 95616

Telephone 530 757 1298

Fax 530 757 1298

e-mail: tsg@tsgusa.com<http://www.tsgusa.com>

TETON WILDERNESS OUTFITTING

Big Game Hunts
Summer Pack Trips
Fishing Trips



NATE VANCE
OUTFITTER

P.O. Box 422
Cody, Wyoming 82411
Phone/Fax 307-587-3444

Mark Mutheny
UDAP
11160 Yonder Road
Bozeman, MT 59718

Mark:

Well, another season in the Teton Wilderness has passed for us. We wanted to **THANK YOU** for your product, **UDAP-PEPPER POWER**! We insist all of our guides and hunters carry **PEPPER POWER** with them at all times in our hunting area. We keep it in accessible areas throughout our hunting camp as well. (Cook Tent-Hunter Tents) Also attached to this letter is page 3 of my suggested equipment list which we send to our wilderness hunters. In addition, we would add the following:

Twice during the past two hunting seasons, I have been charged by full grown Grizzly Bears. All the details of those charges are not necessary here, but I **DO WISH** to share the **HIGHLIGHTS**. In both cases I was attending to harvested elk for my hunters. Both times I was charge while caping or loading up an elk. Both times I used **PEPPER POWER**, stopping both bears at a range of about 6-10 feet. The speed at which a Grizzly can cover 20-30 yards is unbelievable until you have seen it! Both times, I know I could never have fired quickly nor accurately enough with my handgun. Both times, I used **PEPPER POWER**. Both Grizzly Bears were coming at full charge. Each time, it was as though they hit a **BRICK WALL** when they charged into the fog of the pepper power spray! Three years ago, I was charged, and mauled while coming out of the back of the cooktent in my hunting camp. That time I had neither pepper spray nor a handgun close enough to use. Many stitches, a sore and bruised body later, I realized my mistake. **DO NOT** be without pepper spray at any time in **BEAR COUNTRY**! For those who have not been charged by a full grown Grizzly, much less mauled, it is a situation you want to avoid at all possible costs! The cost of carrying and using **PEPPER POWER** is the best investment one can make in my opinion.

Again, thanks for this fine product, which we can say from first hand experience, **WORKS!!!!** Our best to you and your efforts to protect man and Grizzly bears both!

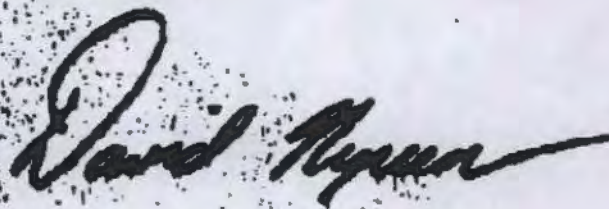
Sincerely,

Nate & Julie Vance-Outfitter/Owners

Any
1509

"The grizzly sow was protecting her cubs about 15 yards away, when she suddenly came at me. I hoped she would stop, but at 15 feet, I knew she wasn't stopping, so I sprayed my bear spray at her. She shook her head and ran back up to her cubs, shook her head again, and then walked away into the brush. I know my can of Pepper Power saved me from at the very least a bad mauling, if not my uncle's and my own life. Thanks to Mark Matheny and UDAP Industries for a fine product — I wouldn't trust my life to anything else!

Thank you and God bless.



IRB BRANCH REVIEW - TSS

Record Number(s)

D254226

DI 3/17/99 CUT 4/13/99

EFFICACY

FILE OR REG. NO. 71920-1

PETITION OR EQ. PERMIT NO. _____

DATE DIV. RECEIVED 3/16/99

DATE OF SUBMISSION 3/16/99

DATE SUBMISSION ACCEPTED 3/17/99

TYPE PRODUCTS(S): I, D, H, F, N, R^x S

DATA ACCESSION NO(S) none

PRODUCT MER. NO. 04

PRODUCT NAME(S) BearGuard Bear Deterrent

COMPANY NAME Guardian Personal Security Products, Inc.

SUBMISSION PURPOSE Discuss possible use of testimonials

CHEMICAL & FORMULATION 2.02% Capsaicin and related capsaicinoids
aerosol

Efficacy Review: BEARGUARD™, 71920-1
Guardian Products
Phoenix, AZ 85027

200.0 INTRODUCTION

200.1 Uses

2.02% "Capsaicin and related capsaicinoids (in oleoresin of capsicum)" aerosol Federally registered

"only to deter bears which are attacking or appear likely to attack humans".

200.2 Background Information

See efficacy reviews of 1/25/99, 3/9/99, and 3/16/99. This product was registered on 3/18/99, and the label accepted on that date remains current.

This review discusses a "FAXed" submission of 3/16/99 from Guardian's consultant, Amy Plato Roberts of Technology Sciences Group Inc., Washington, DC. That submission pertains to ongoing discussions about possible use of accounts of instances actual product use against bears as a means of satisfying or partially satisfying the registration condition to provide product-specific efficacy data.

EPA accepted the basic claim that this product repels attacking or "likely to attack" bears on the basis of a spray pattern test for BearGuard™ and a body of information which indicated that Capsaicin-based aerosol sprays have value as bear deterrents. Confirmatory product-specific efficacy data for BearGuard™ were required as a condition of registration because we had no efficacy data on this specific product. We felt it unlikely that a product formulated as this one which comes out of the can in a large spray cloud that is visually detectable 30' from the source would not deter bears, but also felt that it would be appropriate ultimately to have efficacy data on each specific bear repellent product registered in the U.S.

Due to the history of roughly two decades of illegal sale of bear repellents and the development of consumer demand for such products, we found it necessary to pursue a regulatory strategy that would facilitate transition from unregistered-only to registered-only bear repellents on the market as rapidly as possible. Because there was a general body of available data indicating that Capsaicin-based bear repellents can be effective, we felt that poor labeling and our lack of knowledge of product compositions were the

biggest problem with the sale of unregistered products. As we have gotten into the matter further, others have claimed that all products are not equally effective and that some are more likely than others to attract bears when passively sprayed on surfaces. There may be some bases to these charges, but much of what is going on seems to reflect manufacturers' desires to share the market for registered products with as few competitors as possible.

The accepted label for this product includes the passage quoted below part of its **"Disclaimer:"** paragraph.

"Note: As part of an on-going research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434 for details."

This text first appeared in a proposed label submitted on 3/3/99. At the time, I expressed concern that Guardian intended to prepare a "true account" compilation and submit it to meet the efficacy data requirement that I had recommended to be a condition of registration. I was concerned that the invitation to contact the company by telephone would afford Guardian a chance to screen out unfavorable reports and to influence the content of whatever written accounts might ultimately be provided. The hotline approach also would allow Guardian to give us a brief, glossy summary report such as:

"In 1999, 427 people reported having used BearGuard™ against bears. All were protected by the product. Not one person was harmed by bears. All who used BearGuard™ were very satisfied with its performance and said they would use it again."

I would reject such a brief and suspect account, but we then would be forced to extend the data requirement and be at least another year away from receiving meaningful efficacy data.

As I noted in the efficacy review of 3/9/99, unedited use accounts from disinterested parties who would have no particular reason to embellish their stories to the advantage of the product would be the preferred type of user-experience information to have if we were to consider accounts of humans' use of bear repellents, in addition to or in place of, actual efficacy studies. Consequently, I felt that it would be better for Guardian to solicit written comments which then could be sent to us, unedited, for our assessment.

This approach would be a departure from our basic policy of rejecting testimonials as a substitutes for efficacy data from experimental studies. I have considered this approach only because it is difficult to do appropriate, replicated efficacy research for bear repellents without either ambushing bears or deliberately provoking them. Neither of these scenarios is covered by the label claims made for BearGuard™.

The information upon which our general conclusion that Capsaicin-based bear repellents work includes some experimental data but also a large body of compilations of results of actual product use. Those compilations appear, however, to have been the work of disinterested biologists rather than manufacturers of bear repellents. For BearGuard™ or any other bear repellent, I would only consider accounts from seemingly disinterested people who appeared to have their facts straight and who either used the product themselves or were an eyewitness to its use. If users' accounts were to be collected and submitted by registrants or applicants, the accounts would have to be complete and in the words of the users, with no editorial additions or deletions and no suggestions of presubmission tampering with content. I will consider nothing less than detailed accounts from users in their own, unedited words, in place of or in addition to the results of actual efficacy trials.

In the efficacy review of 3/16/99, I discussed Roberts' responses to our comments on the proposed **"Note:"** text. Basically, she indicated that Guardian wanted to keep their "1-800" number on the label and provided us even more reasons to find the approach objectionable. Among other things, she indicated that Guardian might reward those who responded with a free can of BearGuard™. That did not strike me as a strategy likely to maintain disinterest.

In the efficacy review of 3/16/99, I suggested that, if we allow the company to word the **"Note:"** sentences as they had proposed, we also should put them on notice that we would be unlikely to accept any of the information assembled by that method as evidence of product performance. While the **"Disclaimer:"** paragraph was isolated from the **"DIRECTIONS FOR USE"** section on the label submitted on 3/3/99 (and **"ACCEPTED"** on 3/18/99), the wording of the **"Note:"** sentences was essentially unchanged from that on the label discussed in the efficacy review of 3/9/99. EPA's registration acceptance letter of 3/18/99 imposed a requirement to submit efficacy studies within 12 months of that date but did not tell the new registrant that we would be unlikely to find users' reports generated as Guardian

and/or Roberts proposed to be very useful. Such information was conveyed by IRB to Roberts in a letter of 3/17/99 but in a far less emphatic manner than I had suggested in the review of 3/16/99.

Roberts' FAXed submission of 3/16/99 did not come to me until after I had completed my review of that date. The submission of 3/16/99 consists of a handwritten note plus two attachments.

201.0 DATA SUMMARY

Roberts' hand-written note of 3/16/99 indicates that while one of the attachments

"would be something that we would submit to EPA, the second would be something we would probably not submit as it is less formal."

For purposes of discussion, the available text portions of both items are quoted below. (I have been led to believe that "UDAP-PEPPER POWER" was BearGuard sold under another name.)

First Item (From Nate & Julie Vance, Teton Wilderness Outfitting, Cody, WY)

"Well, another season in the Teton Wilderness has passed for us. We wanted the **THANK YOU** for your product, **UDAP-PEPPER POWER!** We insist all of our guides and hunters carry **PEPPER POWER** with them at all times in our hunting area. We keep it in accessible areas throughout our hunting camp as well. (Cook Tent-Hunter Tents) Also attached to this letter [not included by Roberts] is page 3 of my suggested equipment list which we sent to our wilderness hunters. In addition we would add the following:

Twice during the past two hunting seasons, I have been charged by full grown Grizzly Bears. All the details of those charges are not necessary here, but I **DO WISH** to share the **HIGHLIGHTS**. In both cases I was attending to harvested elk for my hunters. Both times I used **PEPPER POWER**, stopping both bears at a range of about 6-10 feet. The speed at which a Grizzly can cover 20-30 yards is unbelievable until you have seen it! Both times, I know I could never have fired quickly or accurately enough with my handgun. Both times I used **PEPPER**

POWER. Both Grizzly Bears were coming at full charge. Each time, it was as though they hit a **BRICK WALL** when they charged into the fog of the pepper power spray! Three years ago, I was charged, and mauled while coming out of the back of a cooktent in my hunting tent. That time I had neither pepper spray nor a handgun close enough to use. Many stitches, a sore and bruised body later, I realized my mistake. **DO NOT** be without pepper spray at any time in **BEAR COUNTRY!** For those who have not been charged by a full grown Grizzly, much less mauled, it is a situation you want to avoid at all possible costs! The cost of carrying and using **PEPPER POWER** is the best investment one can make in my opinion.

Again, thanks for this fine product, which we can say from first hand experience, **WORKS!!!!** Our best to you and your efforts to protect man and Grizzly Bears both!"

Second Item (From a David N[illegible])

"The grizzly sow was protecting her cubs about 15 yards away, when she suddenly came at me. I hoped she would stop, but at 15 feet, I knew she wasn't stopping, so I sprayed my bear spray at her. She shook her head and ran back up to her cubs, shook her head again, and then walked into the brush. I know my can of Pepper Power saved me from at the very least a bad mauling, if not my uncle's and my own life. Thanks to Mark Matheny and UDAP industries for a fine product -- I wouldn't trust my life to anything else!"

In my opinion, both responses are inadequate as stand-ins for actual efficacy studies. Perhaps due to its relative informality and its description of the scene, the second one seems a bit more believable to me, but it also seems to have been shortened by someone other than its author. However, both accounts could also be "realistic case histories". I have seen many examples of similarly glowing testimonials for products such as electromagnetic or ultrasonic devices which were not found to be effective when scientists tested them.

The complements heaped on the **PEPPER POWER** product and UDAP might indeed be the spontaneous responses of grateful users, but they also suggest a lack of disinterest. I suspect that the outfitters have a history of financial

involvement with UDAP and may have offered the letter in response to a request for help with promoting the product. With its hyperbole and selective use of bold type, the first item certainly reads like advertising copy. The second example also could be used in advertising (and that might be why it is excerpted). As neither example came with a date, it even is possible that they were developed in response to EPA's letter of 3/11/99 (which relayed comments from the efficacy review of 3/9/99) and/or related discussions.

These examples underscore why we normally would not even consider testimonials in lieu of actual efficacy studies. We not only cannot trust the accounts to be accurate, we cannot trust or check up on the sources.

While Guardian remains free to solicit use-related feedback from users the "**Note:**" sentences in the "**Disclaimer:**" paragraph, we remain free to consider the information so generated for what it might be worth. If the samples provided by Roberts are at all typical, the information that the "**Note:**" sentences might generate would not be worth much at all. We would be remiss if we did not make this point extremely clear in our response to Guardian via Roberts. We should not, however, tell Guardian exactly what would constitute an appropriate unsolicited response. Such information would enable them to solicit conforming responses, perhaps using enticements such as a free can of BearGuard. Rather, we should steer Guardian toward doing experimental studies. While they seemingly did a fine job with the spray pattern test, they also seem determined to leave little to chance in the realm of users' accounts.

202.0 CONCLUSIONS

The label accepted for this product solicits feedback from users via the two sentences in the "**Disclaimer:**" paragraph which follow the word "**Note:**". This text is acceptable to us as wording on a label, but we are not likely to place any weight on use-related information generated in response to such a request for feedback from users.

Our original concern about seeking verbal responses by providing a toll-free telephone number to users was that the process would make it possible for you to affect the content of the information received. Subsequent representations to the effect that you want users to call you first before sending their letters to you and that users who do submit letters will receive a free can of BearGuard™ do nothing to allay our concerns about bias in users' responses. We are not charging that you would

deliberately influence responses, but there is too much of a chance that something like that could happen.

On March 16, 1999, we received a "FAXed" submission which included an example of a user's response that you "would submit" and an example of a response that you "would probably not submit". Neither of these items would be acceptable to us as a substitute for experimental efficacy data. Although both respondents heaped glowing praise on PEPPER POWER and UDAP, it is hard to imagine that either was an objective, disinterested party. We would have no way of knowing whether such accounts were descriptions of actual events or works of fiction composed in hopes of obtaining a free can of product or for some other reason.

The compilations of users' experiences that are included in our data base for the efficacy of Capsaicin-based deer repellents were assembled by researchers who do not appear to be linked to any specific manufacturer's products.

It now appears that the best way for you to meet the registration requirement to supply efficacy data would be to set up an experimental research program using a qualified biologist as principal investigator. We suggest that a protocol for such research be submitted and reviewed by us before the research begins. If possible, test conditions should replicate the type of use permitted by the label (spraying bears that are attacking or seemingly about to attack). It might be best to equip qualified researchers with product and have them summarize encounters as they occur. Such encounters would be a matter of chance, and few might occur. Increased numbers of incidents could be obtained by use of captive, "problem" bears that are naive to pepper spray or by purposely going to areas frequented by bears. It is possible to obtain fairly large numbers of replications by ambushing bears at places like garbage dumps, but this type of use is prohibited by the label and transfers the element of surprise from the bear to the human.

William W. Jacobs
Biologist
Insecticide-Rodenticide Branch
April 13, 1999

Z 487 320 815

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to		TSG - Army Roberts	
Street & Number			
Post Office, State, & ZIP Code			
Postage		\$	
Certified Fee			
Special Delivery Fee			
Restricted Delivery Fee			
Return Receipt Showing to Whom & Date Delivered			
Return Receipt Showing to Whom, Date, & Addressee's Address			
TOTAL Postage & Fees		\$	
Postmark or Date			

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.

102595-98-M-0548

PS Form 3800, April 1995 (Reverse)

This registration will be subject to cancellation in accordance with FIFRA sec. 6(e) if you do not comply with these conditions. Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.



Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

cc: Region 8 (Tim Osag) and Region 10 (Lyn Frandsen)

Peacock:C:\Capsaicin\71920-1.NOT:305-5407:3/18/99

DIRECTIONS FOR USE (continued)

APPLICATION DIRECTIONS: (continued)

To arm and apply:

Place forefinger through loop in handle with thumb on curl of safety clip {fig.1}. With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb releasing a 1 second burst of spray {fig 2}. This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

To disarm:

Replace safety clip as illustrated {fig. 3}.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID- IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.

ENVIRONMENTAL HAZARDS: Do not apply directly to water. Do not contaminate water by disposing of unused material.

BearGuard™

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS. PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients:

Capsaicin and related capsaicinoids*	2.0%
Inert ingredients	98.0%
TOTAL	100.0%

*Made from Oleoresin of Capsicum

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120° F or below 32° F.

DISPOSAL: When container is empty, press valve to relieve all pressure. Securely wrap original container in several layers of newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE
Guardian Personal Security Products, LLC

21639 N. 14th Ave.
Phoenix, AZ 85027

1-800-527-4434 (602) 582-1070

CHEMICAL EMERGENCY: 1-800-493-9300

EPA Registration No: 71290-1 EPA Est. No: 071920-AZ-001

NET CONTENTS: 7.9 ounces (225g) or 9.2 ounces (260g)

Disclaimer: To the extent allowed by law, Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. **Note:** As part of an on-going research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434 for details.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS:

This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations to prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.



{fig.1}



{fig.2}



{fig.3}

This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds (225-g container) 5.4 seconds (260-g container)

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

(DIRECTIONS FOR USE are continued in the next column.)

ACCUGUARDIAN

MAR 18 1999

Phoenix, AZ 85027 1-800-527-4434

Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg. No. 71920-1



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

259579

Application for Pesticide - Section I

1. Company/Product Number 71920-R	2. EPA Product Manager Dan Peacock	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) BearGuard Bear Deterrent	PM# Insecticide-Rodenticide Branch	
5. Name and Address of Applicant (Include ZIP Code) Guardian Personal Security Products 21639 North 14th Avenue Phoenix, AZ 85027 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input checked="" type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Metal	
Certification must be submitted	If "Yes" Unit Packaging wgt. _____ No. per container _____	If "Yes" Package wgt _____ No. per container _____		<input type="checkbox"/> Plastic	
				<input type="checkbox"/> Glass	
				<input type="checkbox"/> Paper	
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/> _____	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other _____			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Amy Plato Roberts		Title Regulatory Consultant		Telephone No. (Include Area Code) (202) 828-8964	
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.					6. Date Application Received (Stamped)
2. Signature 		3. Title Regulatory Consultant			
4. Typed Name		5. Date 3/18/99			

204

Z 487 320 420

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to TSG	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

295

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.

102595-98-M-0548

PS Form 3800, April 1995 (Reverse)

146 5-558338
12

CERTIFIED MAIL

(2-487-320-820) MAR 17 1999

Mrs. Amy Plato Roberts
Technology Sciences Group, Inc.
1101 17th Street, NW
Washington, DC 20036

Subject: BearGuard Bear Deterrent
EPA File Symbol 71920-R
Our letter of March 11, 1999
Your fax of March 11, 1999

In our March 11, 1999, letter, we provided comments about revisions needed for this product's labeling. In your fax of the same date, you made all the changes but the one involving the "NOTE" to users, which was designed to solicit the results of actual use of this product during human-bear encounters. You planned to use this information, in part, to fulfil the registration condition that you submit efficacy data on this product within 12 months of registration.

We had suggested the following language:

Note: Guardian Security Products wants all information available on the results of BearGuard™ use against bear attacks. If you have used this product to repel a bear that has approached you or a member of your party, send us a letter describing in as much detail as you can recall about the circumstances and results of such product use. Write to us at the address shown on this can.

You had suggested the following alternative language:

Note: As part of an on-going research project, Guardian Security products needs your true account of BearGuard use against bear attacks. Please call 1-800-527-4434 for details.

While we consider both statements, as labeling, to be acceptable, we prefer ours because we feel that it would introduce less bias into the results and, therefore, would made the information more useful in supporting product efficacy. Bias, though unintentional, could be introduced during receipt of the toll-free call or by the offer of a free can of bear repellent.

If space is a problem, you could use the following text:

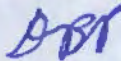
Note: Guardian wants all results of BearGuard™ use against bears. If you or a party member has used it to repel a bear, send us a detailed description of the incident to the address on the can.

On your Front Panel, under "BearGuard", you may change "REPELLENT" to "DETERRENT".

Submit three (3) copies of revised labeling.

If you have questions about this letter, you may reach Dan Peacock by phone (703-305-5407), fax (703-305-6596), or E-Mail (peacock.dan@epa.gov)

Sincerely,



Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

cc: Region 8 (Tim Osag) and Region 10 (Lyn Frandsen)

DIRECTIONS FOR USE (continued)**APPLICATION DIRECTIONS: (continued)****To arm and apply:**

Place forefinger through loop in handle with thumb on curl of safety clip (fig. 1). With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb releasing a 1 second burst of spray (fig. 2). This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

To disarm:

Replace safety clip as illustrated (fig. 3).

PRECAUTIONARY STATEMENTS**Hazards to Humans and Domestic Animals**

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID- IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.

ENVIRONMENTAL HAZARDS: Do not apply directly to water. Do not contaminate water by disposing of unused material.



Phoenix, AZ 85027 1-800-527-4434

BearGuard™

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK REPELLENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients:

Capsaicin and related capsaicinoids*.....2.0%

Inert ingredients.....98.0%

TOTAL.....100.0%

*Made from Oleoresin of Capsicum

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE

INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120° F or below 32° F

DISPOSAL: When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE

Guardian Personal Security Products, LLC

21639 N. 14th Ave.

Phoenix, AZ 85027

1-800-527-4434 (602) 582-1070

CHEMICAL EMERGENCY: 1-800-493-9300

EPA Registration No: 71298-R EPA Est. No: 471970-AZ-001

NET CONTENTS: 7.9 ounces (225g) or 9.2 ounces (260g)

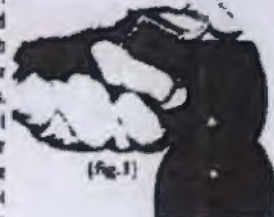
Disclaimer: To the extent allowed by law, Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. Note: As part of an on-going research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434 for details.

DIRECTIONS FOR USE

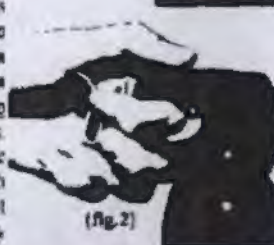
It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS:

This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.



(fig. 1)



(fig. 2)



(fig. 3)

This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds (225-g container) 5.4 seconds (260-g container)

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

(DIRECTIONS FOR USE are continued in the next column.)

IRB BRANCH REVIEW - TSS

Record Number(s)

D254142

3/12/99 3/16/99
IN OUT

EFFICACY

FILE OR REG. NO. 71920-R

PETITION OR EOP. PERMIT NO. _____

DATE DIV. RECEIVED 3/11/99

DATE OF SUBMISSION 3/11/99

DATE SUBMISSION ~~ACCEPTED~~ 3/12/99

TYPE PRODUCTS(S): I, D, H, F, N, & S

DATA ACCESSION NO(S): none

PRODUCT MER. NO. 04

PRODUCT NAME(S) BEARGUARDTM

COMPANY NAME Guardian Products

SUBMISSION PURPOSE Float "FAXed" proposed label by EPA for comment

CHEMICAL & FORMULATION 2.02% Capsaicin and related Capsaicinoids
aerosol

Efficacy Review: BEARGUARD™, 71920-R
Guardian Products
Phoenix, AZ 85027

200.0 INTRODUCTION

200.1 Uses

2.02% "Capsaicin and related capsaicinoids (in oleoresin of capsicum)" aerosol proposed for Federal registration "to **deter bears which are attacking or appear likely to attack humans**".

200.2 Background Information

See efficacy reviews of 1/25/99 and 3/9/99.

This review discusses portions of Guardian's "FAXed" submission of 3/11/99. That submission includes a note from Karl Scholz of Guardian Products and a revised proposed label. I also have been provided comments on the submission by Daniel Peacock, IRB's senior administrative reviewer for bear repellents. Scholz's note claims "LATEST CHANGES INCORPORATED". Peacock's note says that Guardian has revised the label as EPA requested, except for the changes that we indicated for the "NOTE:" portion of the disclaimer statement.

201.0 DATA SUMMARY

All of the changes to the "DIRECTIONS FOR USE" section of the label that I prescribed in the efficacy review of 3/9/98 were incorporated into EPA's letter of 3/11/99 and have been made on the label that Scholz "FAXed" back to EPA on that same day.

As indicated by EPA, Guardian also isolated the disclaimer section from the "DIRECTIONS FOR USE". However, Guardian still proposes to solicit use-related feedback from users via two sentences which would appear following the word "Note:" in the proposed "Disclaimer:" paragraph. Revised only by the addition of the words "for details" to the second sentence, the solicitation reads as shown below.

"Note: As part of an ongoing research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434 for details."

In the efficacy review of 3/9/99, I expressed doubts about the value of accounts of product use that had been filtered through the company's own hotline. I was concerned that

such an approach might be Guardian's primary strategy for collecting use-related information on BEARGUARD which the company would later submit to us in response to a likely condition of registration (i.e., to provide product-specific efficacy data or other relevant use information).

As noted in the efficacy review of 3/9/99, unedited use accounts from disinterested parties who would have no particular reason to embellish their stories to the advantage of the product would be the preferred type of user-experience information to have if we were to consider accounts of humans' use of bear repellents, in addition to or in place of, actual efficacy studies. Consequently, I commented in the "CONCLUSIONS" section of the review of 3/9/99 in the manner shown below.

"It appears that you wish to solicit comments from BEARGUARD users via the two sentences which appear following the word **"Note:"** in the proposed **"Disclaimer:"** paragraph. Having them contact you by telephone would not create any problems for us if you wanted to hear from users for your own reasons. If you wanted to use feedback from users as part of your response to a requirement to supply product-specific efficacy data as a condition of registration, compilations of results of accounts received by way of a "1-800" telephone number would be useless.

If we are to consider valid accounts of humans' use of bear repellents *in lieu* of or as a supplement to efficacy data from designed research experiments, it would be best if the accounts came from disinterested parties rather than registrants or applicants for registration. If the accounts were collected and submitted by registrants or applicants, the accounts would have to be complete and in the words of the users, with no editorial additions or deletions. We will consider nothing less than detailed accounts from users in their own, unedited words, in place of or in addition to the results of actual efficacy trials.

If you wish to use BEARGUARD's label as a vehicle for soliciting accounts that might be worth our while to consider, word the **"Note:"** sentences as shown below.

'Note: Guardian Security Products wants all information available on the results of

BearGuard™ use against bear attacks. If you have used this product to repel a bear that has approached you or a member of your party, send us a letter describing in as much detail as you can recall the circumstances and results of such product use. Write to us at the address shown on this can."

In a recent telephone message from Guardian's consultant, Amy Plato Roberts of Technology Sciences Group Inc., I learned that Guardian would consider revising the "NOTE:" portion but wants to keep their "1-800" telephone number on the label so that people who have used the product against bears can call into the company. The company would then ask them to submit a written account of their experiences and offer a free can of product in exchange for the account. Roberts implies that this was the company's practice during its prior years of (illegal) sale in the U.S.

The scenario described by Roberts does not make me feel much different about the potential for the information received to be skewed in favor of the product. Playing Devil's Advocate, one could imagine that the company might only say "We're sorry" and "Thank you for calling" to those who reported negative experiences while soliciting letters with the free-can offer to those who raved about the product. The company could take an even more "proactive" stance by offering -- through advertising -- a free can to any person who submits a glowing account of product use (along with a receipt and proof-of-purchase barcode, perhaps).

If we allow the company to word the "NOTE:" sentences as they propose, we should put them on notice that we are unlikely to accept any of the information assembled by that method as evidence of product performance.

Mr. Peacock told me yesterday (3/15/99) that someone from the "UDAP" outfit that has distributed BEARGUARD (and hopes to do so again) had told him that certain humans respond differently to products, depending on whether they are called a "DETERRENT" or a "REPELLENT". To me, these terms are virtually interchangeable; but this individual reportedly said that people who do not read English well (or perhaps fail to read the entire label) would perceive a product called a "REPELLENT" as something to be applied topically (as with an insect repellent). For this reason, the UDAP man apparently felt that the term "DETERRENT" should be used for products such as BEARGUARD.

I have no strong feelings on this issue, although I doubt that many would apply BEARGUARD topically a second time. The man's statements may have some factual bases, or he may simply feel that he could market a "DETERRENT" more effectively than he could a "REPELLENT". The proposed label for BEARGUARD uses "REPELLENT" in the second sentence of the center-panel claim/advisory paragraph which begins with the sentence "DO NOT SEEK OUT ENCOUNTERS WITH BEARS". The first sentence of the "USE RESTRICTIONS:" paragraph states that BEARGUARD "may be used only to deter bears". As far as I am concerned, Guardian may replace "REPELLENT" with "DETERRENT" in the claim/advisory panel if that is the company's desire.

202.0 CONCLUSIONS

1. The "DIRECTIONS FOR USE" section of the proposed label submitted on March 11, 1999, has been revised according to the instructions in our letter of that same date and is acceptable.
2. The proposed relocation of the "Disclaimer:" paragraph is acceptable, although the bottom of the left column (below "ENVIRONMENTAL HAZARDS") would be a better location from our perspective.

You have only slightly altered the sentences in this paragraph which follow "Note:". The proposed text is acceptable to us as wording on a label. However, we are not likely to place any weight on use-related information generated in response to such a request for feedback from users. Our original concern about seeking verbal responses by providing a toll-free telephone number to users was that the process would make it possible for you to affect the content of the information received. Subsequent representations to the effect that you want users to call you first before sending their letters and that users who submit letters will receive a free can of product do not allay our concerns about the objectivity of users' responses. Understand that we are not charging that you would deliberately bias the responses, only that there is too much of a chance that something like that could happen.

William W. Jacobs
Biologist
Insecticide-Rodenticide Branch
March 16, 1999

DP BARCODE: D254142

CASE: 064255
SUBMISSION: S558338

DATA PACKAGE RECORD
BEAN SHEET

DATE: 03/12/99
Page 1 of 1

*** CASE/SUBMISSION INFORMATION ***

CASE TYPE: REGISTRATION ACTION: 146 RESB NEW BIO-NON-FD-FED
RANKING : 5 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 2.0200%

ID#: 071920-R BearGuard Bear Deterrent
COMPANY: 071920 GUARDIAN PERSONAL SECURITY PRODUCTS, INC.
PRODUCT MANAGER: 04 TINA LEVINE 703-308-7055 ROOM: CM2 219
PM TEAM REVIEWER: DANIEL PEACOCK 703-305-5407 ROOM: CM2 221
RECEIVED DATE: 03/11/99 DUE OUT DATE: 08/08/99

*** DATA PACKAGE INFORMATION ***

DP BARCODE: 254142 EXPEDITE: Y DATE SENT: 03/12/99 DATE RET.: / /
CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)
DP TYPE: 001

ASSIGNED TO	CSF: N	DATE	IN	LABEL: Y	DATE OUT	ADMIN DUE DATE: 06/25/99
DIV : RD		/	/		/	NEGOT DATE: / /
BRAN: IRB		/	/		/	PROJ DATE: / /
SECT: PM04		/	/		/	
REVR :		/	/		/	
CONTR:		/	/		/	

*** DATA REVIEW INSTRUCTIONS ***

Bill,

Expedite
Please review this revised label. They have made the required changes, except for the NOTE.

According to Karl and Amy, they want to use the 800 telephone number because they expect that they will get more response that way. Then, as is the current policy, they will request the caller to send in a written report, which would be used in an EPA submission. For those that send in submissions, they give a free can of bear spray.

If you need them, Karl's tel # is 602-582-1070. Amy's is 302-828-8964. Once you have settled on the text. They will make any changes and fed ex 3 or 4 copies of final printed label (color). We should have them the next day for approval.

Thanks,

Dan

*** DATA PACKAGE EVALUATION ***

No evaluation is written for this data package

GUARDIAN PRODUCTS

21639 NORTH 14TH AVENUE

PHOENIX, AZ. 85027

PHONE# 602-582-1070 FAX# 602-582-2133

Web: www.guardianproducts.com E-mail: guardianproducts@worldnet.att.net

FACSIMILE TRANSMISSION SHEET

DATE: 3/11/99NUMBER OF PAGES INCLUDING THIS PAGE: 2TO: DAN PEACOCK INSECTICIDE-RODENTICIDE BRANCH

COMPANY: _____

FAX#: (703) 305-6596FROM: KARL

MESSAGE:

LATEST CHANGES INCORPORATED. LET ME KNOWSOONEST PLEASE.QUESTIONS? CALL ME @ 602-582-1070ASK FOR KARL, TELL RECEPTIONISTIT'S IMPORTANT.THANKS DANKARLCONFIRMATION OF FAX RECEIPT REQUESTED ☐CONFIRMATION OF FAX RECEIPT NOT REQUESTED ☐

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that and dissemination, distribution or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone.



Bill Lee

03/04/99 01:26 PM

To: Dan Peacock/DC/USEPA/US@EPA, Brenda Mosley@EPA
cc: Pam Cooper/R9/USEPA/US@EPA
Subject: No Bear Repellent Inspection

Given the current state of affairs (travel \$/priorities) and the fact we had NV go out last month on a special request to do a similar bear repellent inspection, we decided NOT to conduct an inspection this week. Thanks a lot for responding for my inquiries I appreciate all the information you provided. I look forward to working with you on these issues in the future. -- Bill



Dan Peacock on 03/09/99 06:25:44 AM

~~71920-R~~
~~71543-R~~
71920-R

To: Bill Jacobs/DC/USEPA/US@EPA, Grace Robiou/DC/USEPA/US@EPA
cc:
Subject: Bear Repellents

----- Forwarded by Dan Peacock/DC/USEPA/US on 03/09/99 06:33 AM -----




Bill Lee
03/08/99 06:20 PM

To: Dan Peacock/DC/USEPA/US@EPA, Brenda Mosley@EPA
cc: Tim Osag/ENF/R8/USEPA/US@EPA, Tyres Tatum/R4/USEPA/US@EPA, Pam
Cooper/R9/USEPA/US@EPA
Subject: Bear Repellents

Just an informal update to keep you all current on this topic. Contrary to my last e-mail...we actually DID have someone from the State of NV go out on an inspection Friday, 3/5 - sorry about the confusion. I'm not sure at this point if a violation was observed and/or documented as we do not yet have the inspection report. Based on the inspector's verbal communication, Bear Guard (I believe that's Guardian's product) was being sold, a potential violation if documented. Dan - I believe you told me that Guardian's registration was likely to be approved today (Monday 3/8). Was it approved today? No other companies or products were found to be in violation (I believe Mr. Prater indicated that about 4 or 5 Companies would be there). Again, I'm not sure how many were in attendance. I may be able to provide you with more details if you like when the inspector's report comes in. Hope this is helpful to your cause.



Dan Peacock on 03/09/99 06:39:08 AM

To: Bill Lee/R9/USEPA/US@EPA
cc: Bill Jacobs/DC/USEPA/US@EPA, Grace Robiou/DC/USEPA/US@EPA, Tim
Osag/ENF/R8/USEPA/US@EPA
Subject: Re: Bear Repellents 

Bill,

Thanks for the information. No, we have not registered Bear Guard (EPA File Symbol 71920-R) yet. Bill Jacobs, our efficacy reviewer, Grace Robiou, and I are all reviewing the labeling now. Bill is also reviewing a video that the company made. Because Guardian Securities Equipment did not follow our last instructions for revising its labeling, registration has been delayed. Once our reviews are complete, I think that we will probably request another revised label. In fact, judging from past experience, I have come to believe that we need nothing less than a final printed label from bear-deterrent registrants. They seem to think that, once registration is granted, labeling changes can be made without EPA approval. For this reason, registration will be delayed.

Until I send you a E-Mail, assume that Bear Guard is unregistered.



Dan Peacock, 703-305-5407 List of Actual and Pending Registrants

2 487 320 809

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <i>Bear Guard</i>	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

310

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge).

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make an inquiry.

311

102595-98-M-0548

MAR 11 1999

CERTIFIED MAIL

Mrs. Amy Plato Roberts
Technology Sciences Group, Inc.
1101 17th Street, NW
Washington, DC 20036

Subject: BearGuard Bear Deterrent
EPA File Symbol 71920-R
March 3, 1999

Dear Mrs. Roberts:

The Agency has completed the review of your proposed label. As soon as we have the revised labeling, we will be able to register this product.

Make the following labeling changes and submit three (3) copies of revised, draft labeling:

1. Center the heading "**DIRECTIONS FOR USE**" on the label panel to the right of the main panel. Delete the colon (":") after "**DIRECTIONS FOR USE**". Organize this section as indicated in our letters of January 28, 1999, and February 26, 1999, so that
 - ✓ a. the "**DIRECTIONS FOR USE**" do not appear to begin and end with the "It is a violation . . . labeling" sentence,
 - ✓ b. "**USE RESTRICTIONS:**" and "**APPLICATION DIRECTIONS:**" appear as subsections of "**DIRECTIONS FOR USE**", and
 - ✓ c. "**To Arm and Apply:**" and "**To Disarm:**" appear as subsections of "**APPLICATION DIRECTIONS:**".
- ✓ 2. Delete the phrase "and may attract them in some cases" from the fifth sentence of the "**USE RESTRICTIONS:**"
- ✓ 3. Delete all references to containers smaller than 225 grams (7.95 oz). We are not certain that the spray pattern information reviewed previously applies to the 180-g container size. If you want us to consider the 180-g size further, submit results of a spray pattern test run only with 180-g containers. The test should be run according to the methods that you used previously. The videotape which accompanied the prior test report greatly aided our understanding of it.

- ✓ In your "NET CONTENTS", use English units (pounds and ounces), by weight, followed by metric units.
- ✓ 4. Change the last sentence of the first paragraph under "**APPLICATION DIRECTIONS:**" to read as follows:

If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

- ✓ 5. At the bottom of the column to the right of the main column (the first column of the "**DIRECTIONS FOR USE**") insert and left justify the following text: (**DIRECTIONS FOR USE** are continued in the next column.)
- 6. At the top of the panel to the left of the main panel, insert and center the text "**DIRECTIONS FOR USE (continued)**". Immediately below that line, insert and left-justify the text "**APPLICATION DIRECTIONS: (continued)**".
- ✓ 7. Isolate the "**Disclaimer:**" text so that it is set apart from the "**DIRECTIONS FOR USE**". Add the following text at the beginning of this section: "To the extent allowed by law,".
- 8. Modified as indicated above, the "**DIRECTIONS FOR USE**" shall read as shown below.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up 30 feet (9 meters). This canister empties completely in approximately 4 seconds [225-g container] 5.4 seconds [260-g container].

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety clip and disarm the container. Before taking product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hike, hunt, or fish. Do not test-fire for more than half a second. After test firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

 Insert Figs. 1-3 Approximately Here
 or Beside Preceding and Following Text

(DIRECTIONS FOR USE are continued in the next column.)

DIRECTIONS FOR USE (continued)

APPLICATION DIRECTIONS: (continued)

To Arm and Apply: Place forefinger through loop in handle with thumb on curl of safety clip (fig. 1). With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb, releasing a 1-second burst of spray (fig. 2). This should be done when the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

To Disarm: Replace orange safety clip as illustrated (fig. 3.)

9. It appears that you wish to solicit comments from BEARGUARD users *via* the two sentences which appear following the word "Note:" in the proposed "Disclaimer:" paragraph. Having them contact you by telephone would not create any problems for us if you wanted to hear from users for your own reasons. If you wanted to use feedback from users as part of your response to a requirement to supply product-specific efficacy data as a condition of registration, compilations of results of accounts received by way of a "1-800" telephone number would be useless.

If we are to consider valid accounts of humans' use of bear repellents *in lieu* of or as a

supplement to efficacy data from designed research experiments, it would be best if the accounts came from disinterested parties rather than registrants or applicants for registration. If the accounts were collected and submitted by registrants or applicants, the accounts would have to be complete and in the words of the users, with no editorial additions or deletions. We will consider nothing less than detailed accounts from users in their own, unedited words, in place of or in addition to the results of actual efficacy trials.

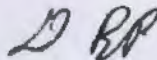
If you wish to use BEARGUARD's label as a vehicle for soliciting accounts that might be worth our while to consider, word the "Note:" sentences as shown below.

"**Note:** Guardian Security Products wants all information available on the results of BearGuard™ use against bear attacks. If you have used this product to repel a bear that has approached you or a member of your party, send us a letter describing in as much detail as you can recall the circumstances and results of such product use. Write to us at the address shown on this can."

- ✓10. Under the "Physical or Chemical Hazards", change "120" to "130".

If you have questions about this letter, you may reach Dan Peacock by phone (703-305-5407), fax (703-305-6596), or E-Mail (peacock.dan@epa.gov)

Sincerely,



Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

cc: Region 8 (Tim Osag) and Region 10 (Lyn Frandsen)

Peacock:C:\Capsaicin\71920-R.Mar:305-5407:3/9/99

TO ARM AND APPLY:

Place forefinger through loop in handle with thumb on curl of safety clip (fig.1). With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb releasing a 1 second burst of spray (fig.2). This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

TO DISARM:

Replace orange safety clip as illustrated (fig.3).

Disclaimer: Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. **Note:** As part of an ongoing research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID- IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS: Contents under pressure. Do not store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 120° F may cause bursting.

ENVIRONMENTAL HAZARDS: Do not apply directly to water. Do not contaminate water by disposing of unused material.

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120° F or below 32° F.

DISPOSAL: When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash.

DO NOT INCINERATE OR PUNCTURE

**GUARDIAN
PRODUCTS**

Phoenix, AZ 85027 1-800-527-4434

BearGuard™

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK REPELLENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

KEEP OUT OF REACH OF CHILDREN DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients:

Capsaicin and related capsaicinoids*	2.0%
Inert ingredients	98.0%
TOTAL	100.0%

*Made from Oleoresin of Capsicum

Guardian Personal Security Products, LLC

21639 N. 14th Ave.
Phoenix, AZ 85027

1-800-527-4434 (602) 582-1070

CHEMICAL EMERGENCY: 1-800-493-9300

EPA Registration number 71290-R EPA Est. No: 071920-AZ-001

NET CONTENTS: 180g, 225g or 260g

DIRECTIONS FOR USE: It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on fabric, other objects, or on clothing. Such use has no deterrent effect on bears and may attract them in some cases. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 3.4 seconds [180-g container] 4 seconds [225-g container] 5.4 seconds [260-g container].

Application Directions: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, these activities described in the column to the right.



(fig.1)



(fig.2)



(fig.3)

IRB BRANCH REVIEW - TSS

Record Number(s)

D253883

DI 3/4/99 CUT 3/9/99

EFFICACY

FILE OR REG. NO. 71920-R

PETITION OR EXP. PERMIT NO. _____

DATE DIV. RECEIVED 3/3/99

DATE OF SUBMISSION 3/3/99

DATE SUBMISSION ACCEPTED 3/4/99

TYPE PRODUCTS(S): I, D, H, F, N, X, S

DATA ACCESSION NO(S): none

PRODUCT MER. NO. 04

PRODUCT NAME(S) BEARGUARDTM

COMPANY NAME Guardian Personal Security Products, Inc.

SUBMISSION PURPOSE registration

CHEMICAL & FORMULATION 2.0% "Capsaicin and related Capsaicinoids" aerosol

Efficacy Review: BEARGUARD™, 71920-R
Guardian Products
Phoenix, AZ 85027

200.0 INTRODUCTION

200.1 Uses

2.02% "Capsaicin and related capsaicinoids (in oleoresin of capsicum)" aerosol proposed for Federal registration "to deter bears which are attacking or appear likely to attack humans".

200.2 Background Information

See efficacy review of 1/25/99 which addressed the initial application for registration of this product. That review discusses efficacy-related information submitted to support the claims proposed for this product and also some relevant reports obtained from other sources.

This review discusses portions of Guardian's submission of 3/3/99. The current submission includes a cover letter from Guardian's consultant Amy Plato Roberts of Technology Sciences Group Inc. and a revised proposed label. I was also provided extensive comments on the submission by Daniel Peacock, IRB's senior administrative reviewer for bear repellents. The primary efficacy-related issues which Mr. Peacock raises are:

1. whether the phrase "and may attract them in some cases" should remain in the 5th sentence of the "USE RESTRICTIONS:" subsection of the "DIRECTIONS FOR USE";
2. whether the company should be permitted to supply the product in a container smaller than 225 g (about 8-oz); and
3. whether and, if so, where on the label should Guardian be permitted to solicit accounts of use experiences with the product.

Mr. Peacock also raises issues concerning pre-eminence of metric vs. Avoirdupois units on the label and the maximum temperature for safe storage.

201.0 DATA SUMMARY

After receiving some anecdotal accounts to the effect that people who used bear repellents prophylactically on clothing and campsite articles had actually attracted bears (e.g., the attached e: Mail from Ron Schiller), I decided that the label prohibition against such applications should

mention that such use of the product "may attract bears in some cases". This phrase was added to the label of the GUARD ALASKA product (71545-1) before it was registered.

Use of this phrase seemed even more justified after we became aware of research by Tom Smith of the U.S. Geological Survey in Alaska. Discussed in the efficacy review of 1/25/99 for BEARGUARD (and elsewhere), Smith's (1998) report in the Wilson Society Bulletin (26:1, 92-94) stated that bears were attracted to substrates onto which any of 4 bear repellent product containing Oleoresin of Capsicum had been sprayed.

The issue was raised publicly and with EPA by the applicants for registration of the BEAR PAUSE_™ product (71768-R). The BEAR PAUSE_™ people (ChemArmor) asserted that their product would not attract bears and had not in Smith's study. The ensuing controversy angered at least one registrant (McNeill River Enterprises, producers of GUARD ALASKA) and several other parties concerned with bears and bear repellents.

Ultimately, Smith contacted me and indicated that his research was preliminary and that he had not isolated the cause of the attraction (which I also had noted in reviews of his report). Smith said that he felt that the prohibition against spraying campsite articles should be kept but the "and may attract them in some cases" text should be dropped. I now concur with that view (see efficacy review of 2/25/99 for GUARD ALASKA).

In his e:Mail of 2/11/99, Smith also listed the 4 products that he used as COUNTER ASSAULT (now registered as 55541-2), BEARGUARD, BEARCOUNTRY ESCORT, and FRONTIERSMAN. Neither BEAR PAUSE_™ nor GUARD ALASKA was used in Smith's research.

Guardian originally proposed having containers which hold 180 g, 225 g, and 260 g of product. According to data presented to us, it takes 3.4 seconds of continuous spraying to empty a 180-g can of useful contents, 4.0 sec for a 225-g can, and 5.4 sec for a 260-g can. Although one spray of less than a second may be all that is needed to send a bear away, such might not always be the case (as the proposed label advises). The proposed label also advises users to practice with repellent cans (or with a "Guardian training can").

Another potential concern with the smaller can is whether it would pack enough "oomph" to hit bears from a safe distance. I re-examined the videotape for BEARGUARD to see if I could determine anything about spray pattern relative

to container size. It appeared to me from the spray duration tests for the 3 proposed container sizes that the pattern from the 180-g container was a bit thinner than were those from the 225-g and 260-g containers. Where I could see the containers used for the spray pattern test, they all appeared to be of the larger sizes.

On 3/8/99, I telephoned Karl Scholz of Guardian concerning the spray patterns from various sizes of containers. He said that he did not remember whether any 180-g containers were used in the spray pattern test, but thought that maybe they had not been used other than for spray duration. He offered to run a spray pattern test using just the small containers and, after we discussed the matter, indicated that he favored registering the larger sizes now and adding the 180-g size later if warranted by the test results. He said that the valve, actuator, and trigger are the same on all 3 units, but did not rule out the possibility that the 180-g unit might not cast as distant a spray pattern.

Scholz also told me that, in the time of illegal marketing, the 180-g product had been their biggest seller (mainly as "Pepper Power" sold by UDAP) because it was more portable and cheaper. Because it was the biggest seller, he thought that it had protected the most people. Backpackers, he said, are very conscious of size and weight.

Guardian proposes to solicit use-related feedback from users via two sentences which would appear following the word "**Note:**" in the proposed "**Disclaimer:**" paragraph. The solicitation reads as shown below.

"**Note:** As part of an ongoing research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434."

This note may have been inspired by comments in EPA's letters of 1/28/99 and 2/26/99 to the effect that, should BEARGUARD ever be registered as a pesticide in the U.S., Guardian would be required to provide product-specific efficacy information as a condition of registration. Because of the danger inherent in use of this type of product and the unpredictability of when a truly unprovoked bear attack will occur, we have been willing to consider accounts of individuals' experiences in use of these products as part of the efficacy data base. (This is a singular departure from our "no testimonials" policy.)

It has been possible for researchers to obtain reasonable numbers of replications of product use by waiting in ambush

at places such as garbage dumps where bears congregate. Because humans surprise bears in such trials, however, they are not fully relevant to the dynamic of humans being surprised by bears and having "To Arm and Apply" the product against an animal which is likely to be in a different frame of mind (than would a bear suddenly ambushed) and which might already be charging. (Ambush trials possibly teach exposed bears to be wary of people. Such conditioning ultimately might benefit bears and humans.)

If we are to consider using accounts of humans' use of bear repellents as valid indicators of product efficacy, it would be best if they came from disinterested parties rather than registrants or applicants for registration. If the accounts were collected and submitted by registrants or applicants, the accounts would have to be complete and in the words of the users, with no editorial additions or deletions. The chances of our receiving such accounts via a "1-800" telephone number supplied by a registrant are virtually zero. If Guardian wants to receive the calls for some other purpose, fine. However, I will consider nothing less than detailed accounts from users in their own, unedited words, in place of or in addition to the results of actual efficacy trials.

If Guardian wants to use its label as a vehicle for soliciting accounts that would be worth our while to consider, the "Note:" sentences should read something like those shown below.

"Note: Guardian Security Products wants all information available on the results of BearGuard™ use against bear attacks. If you have used this product to repel a bear that has approached you or a member of your party, send us a letter describing in as much detail as you can recall the circumstances and results of such product use. Write to us at the address shown on this can."

I feel that the policies which apply to other pesticide products regarding the pre-eminence of Avoirdupois units over metric units should apply to bear repellents as well. Regarding the temperature which "may cause bursting" of aerosol cans of this product, I feel that we should go with the lower, more conservative, upper limit (120°F) unless we know for certain that there is no possible problem until the higher temperature (130°F) is reached.

Despite the pains taken to rectify this situation in the efficacy review of 1/25/99 and in EPA's letter of 1/28/99,

the "DIRECTIONS FOR USE:" section of the proposed revised label submitted on 3/3/99 still has organizational problems. As we may now be in an "ACCEPT with COMMENTS" situation with this product, I feel compelled to emphasize this point once again, complete with an entire "DIRECTIONS FOR USE" section shown just as it is to appear on the label. As the label submitted on 3/3/99 was a mock-up which shows the graphics and layout intended for actual containers, it is possible to get very specific regarding cross-referencing and panel locations. Note that because product containers are to be rather small cylinders, the panel onto which the "DIRECTIONS FOR USE" are to be continued actually would be to the right of the panel on which that section begins.

202.0 CONCLUSIONS

1. Center the heading "DIRECTIONS FOR USE" on the label panel to the right of the main panel. Delete the colon (":") after "DIRECTIONS FOR USE". Organize this section as indicated in our letters of January 28, 1999, and February 26, 1999, so that
 - a. the "DIRECTIONS FOR USE" do not appear to begin and end with the "It is a violation . . . labeling" sentence,
 - b. "USE RESTRICTIONS:" and "APPLICATION DIRECTIONS:" appear as subsections of "DIRECTIONS FOR USE", and
 - c. "To Arm and Apply:" and "To Disarm:" appear as subsections of "APPLICATION DIRECTIONS:".
2. Delete the phrase "and may attract them in some cases" from the fifth sentence of the "USE RESTRICTIONS:"
3. Delete all references to containers smaller than 225 grams (7.95 oz). We are not certain that the spray pattern information reviewed previously applies to the 180-g container size. If you want us to consider the 180-g size further, submit results of a spray pattern test run only with 180-g containers. The test should be run according to the methods that you used previously. The videotape which accompanied the prior test report greatly aided our understanding of it.
4. Change the last sentence of the first paragraph under "APPLICATION DIRECTIONS:" to read as follows:

If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

5. At the bottom of the column to the right of the main column (the first column of the "DIRECTIONS FOR USE") insert and left justify the following text: (DIRECTIONS FOR USE are continued in the next column.)
6. At the top of the panel to the left of the main panel, insert and center the text "DIRECTIONS FOR USE (continued)". Immediately below that line, insert and left-justify the text "APPLICATION DIRECTIONS: (continued)".
7. Isolate the "Disclaimer:" text so that it is set apart from the "DIRECTIONS FOR USE".
8. Modified as indicated above, the "DIRECTIONS FOR USE" shall read as shown below.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up 30 feet (9 meters). This canister empties completely in approximately 4 seconds [225-g container] 5.4 seconds [260-g container].

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety clip and disarm the container. Before taking product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hike, hunt, or fish. Do not test-fire for more than half a second. After test firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described in the label column located to the right of this one.

Insert Figs. 1-3 Approximately Here
or Beside Preceding and Following Text

(DIRECTIONS FOR USE are continued in the next column.)

DIRECTIONS FOR USE (continued)

APPLICATION DIRECTIONS: (continued)

To Arm and Apply: Place forefinger through loop in handle with thumb on curl of safety clip (fig. 1). With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb, releasing a 1-second burst of spray (fig. 2). This should be done when the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

To Disarm: Replace orange safety clip as illustrated (fig. 3.)

9. It appears that you wish to solicit comments from BEARGUARD users via the two sentences which appear following the word "**Note:**" in the proposed "**Disclaimer:**" paragraph. Having them contact you by telephone would not create any problems for us if you wanted to hear from users for your own reasons. If you wanted to use feedback from users as part of your response to a requirement to supply product-specific efficacy data as a condition of registration, compilations of results of accounts received by way of a "1-800" telephone number would be useless.

If we are to consider valid accounts of humans' use of bear repellents *in lieu* of or as a supplement to efficacy data from designed research experiments, it would be best if the accounts came from disinterested parties rather than registrants or applicants for registration. If the accounts were collected and submitted by registrants or applicants, the accounts would have to be complete and in the words of the users, with no editorial additions or deletions. We will consider nothing less than detailed accounts from users in their own, unedited words, in place of or in addition to the results of actual efficacy trials.

If you wish to use BEARGUARD's label as a vehicle for soliciting accounts that might be worth our while to consider, word the "**Note:**" sentences as shown below.

"Note: Guardian Security Products wants all information available on the results of BearGuard™ use against bear attacks. If you have used this product to repel a bear that has approached you or a member of your party, send us a letter describing in as much detail as you can recall the circumstances and results of such product use. Write to us at the address shown on this can."

William W. Jacobs
Biologist
Insecticide-Rodenticide Branch
March 9, 1999



Dan Peacock@X400 on 08/04/98 10:03:43 AM

To: Ron Schiller@EPA
cc: Bill Jacobs@EPA, Dan Peacock@X400
Subject: Re: bear repellent

Ron,

We are including information to this effect on the labeling.

Thanks,

Dan

Reply Separator

Subject: bear repellent
Author: RON SCHILLER at X400
Date: 8/4/1998 12:53 PM

Something I wasn't aware of until just a few days ago, and John here in the office mentioned that it might be a good idea to include the info on any bear repellent label.....

Did you know that bear repellent can act as a bear attractant? Apparently some

people use bear repellent like it were mosquito repellent, spraying their cloths or tents with the stuff. Someone here in Region 8 just got back from Alaska, they were told by the park rangers that using bear spray on clothes, tents, etc. will actually attract the bears, they like the smell of capsaicin after its had a chance to age shortly. Also, once a container of bear repellent has been used once, the smell will be on the container itself. I spoke yesterday with someone that intends to market this stuff, they confirmed

this. So, if this info isn't being included on the label, we should consider making a precautionary statement on the label warning of this.



Tom_Smith@usgs.gov on 02/11/99 03:34:45 PM

To: Peacock.Dan
cc: Jacobs.Bill
Subject: Re: EPA Questions & Answers on Bear Repellents

Dear Dan,

After a flurry of telephone calls I decided to call Bill Jacobs to pass on my thoughts regarding the proposed labeling of bear deterrent products. He encouraged me to forward my thoughts to you for consideration. I'll keep it short but wanted to make these points:

1) I tested only four products: CounterAssault, Bear Guard, Bearcountry Escort and Frontiersman. This selection was one borne of expediency rather than some calculated attempt to touch on some diversity in the market. Here in Alaska we don't have immediate access to many brands and when I did the testing in late fall of 1997 time was running out quickly. So I grabbed what I could and went with that.

2) Generalization from tested products to the untested is unwarranted and would likely result in lawsuits, and perhaps for good reason. Many of these manufacturers claim to have unique formulations and until testing is done (IF it is done) we simply do not know whether or not their individual product attracts bears.

3) I do not know what it is in these sprays that attracts bears. My hunch is that it is oleoresin capsicum but a) it may be one of the other many chemicals present, b) the attractive properties may be ameliorated by the addition of other compounds, and c) further component-specific testing would have to be performed.

4) I personally believe that labeling which says that spraying the substance around camps, on tents or clothing will not deter bears is appropriate. I share concerns with others that to put "may attract" will likely do more harm than good and is certainly not warranted for untested products.

5) Some have asked why not only require CounterAssault to put the attraction warning labels on their product? This is your business but I feel that CA could then say that they were singled out. Why wasn't testing done with the others and etc, etc. Indeed, some of the other products may attract bears but they also may not. We know that bug spray likely elicits interest in bears but they are not required to put that on their bottles so probably neither should the pepper spray manufacturers.

I hope I haven't complicated issues for you but wanted to weigh in with these thoughts. If I can help in any other way please feel free

to write or call (907-786-3456).

Finally, I am uncertain as to whether or not I'd even want to conduct additional testing given the stormy atmosphere surrounding these products. I'll keep you posted, however, if such occurs. Not having the money at this point may prove a blessing.

Sincerely,

Tom S. Smith
Wildlife Research Ecologist
USGS - Alaska Biological Science Center
1011 East Tudor Road
Anchorage, Alaska 99503

Phone: 907-786-3456
FAX: 907-786-3636

DP BARCODE: D253883

CASE: 064255
SUBMISSION: S557845

DATA PACKAGE RECORD
BEAN SHEET

DATE: 03/04/99
Page 1 of 2

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 146 RESB NEW BIO-NON-FD-FED
RANKING : 5 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 2.0200%

ID#: 071920-R BearGuard Bear Deterrent

COMPANY: 071920 GUARDIAN PERSONAL SECURITY PRODUCTS, INC.

PRODUCT MANAGER: 04 TINA LEVINE 703-308-7055 ROOM: CM2 219

PM TEAM REVIEWER: DANIEL PEACOCK 703-305-5407 ROOM: CM2 221

RECEIVED DATE: 03/03/99 DUE OUT DATE: 07/31/99

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 253883 EXPEDITE: Y DATE SENT: 03/04/99 DATE RET.: / /
CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)
DP TYPE: 001

ASSIGNED TO	CSF: N	DATE IN	LABEL: Y	DATE OUT	ADMIN DUE DATE: 06/17/99
DIV : RD		/ /		/ /	NEGOT DATE: / /
BRAN: IRB		/ /		/ /	PROJ DATE: / /
SECT: PM04		/ /		/ /	
REVR : <i>11/11/99</i>		3/4/99		3/9/99 RL	
CONTR:		/ /		/ /	

* * * DATA REVIEW INSTRUCTIONS * * *

Bill,

Grace and I have reviewed the label and have the following suggestions about changes to the final label. Please review and comment, as needed:

1. Under "Physical or Chemical Hazards", change "120" to "130".
2. Under "Use Restrictions", delete "and may attract them in some cases" from the sentence "Such ... cases."
3. Delete all references to the 6.4 oz (180g) size until we can evaluate if such a size can be acceptable. For example,
 - a. Delete "3.4 seconds [180-g container] in use directions and "180g" in "Net Contents".

We understand that Pesticides Canada has a minimum can size of 8 oz. We need to review the basis of that standard and any other available information. You should submit any information that may bear on this question.

4. Using meter measurements are acceptable if preceded by

DP BARCODE: D253883

CASE: 064255

DATA PACKAGE RECORD (CONTINUED)

DATE: 03/04/99

SUBMISSION: S557845

BEAN SHEET

Page 2 of 2

* * * DATA REVIEW INSTRUCTIONS * * *

English equivalents.

5. Disclaimer Statement [Bill: I will try to get quick reading from Mark Dyner. It is OK with me but I would rather be safe than sorrow.]

6. Note [Bill: Do you have any comments about the text or its placement or the need to send in videos.]

Dan Peacock, 703-305-5407
propose the fol

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL
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5-557845



WASHINGTON

1101 17th Street, N.W.

Suite 500

Washington, D.C. 20036

Telephone 202 223-4392

Fax 202 872-0745

Dan Peacock
Insecticide-Rodenticide Branch
Registration Division (7504C)
Office of Pesticide Programs, EPA
1921 Jefferson Davis Highway
Arlington, VA 22202

March 3, 1999

**RE: BearGuard™ Bear Deterrent
EPA File Symbol 71920-R
Revised product label and response to EPA letter**

SAN FRANCISCO

2700 Steuart Street Tower

One Market

San Francisco, CA 94105

Telephone 415 267-4119

Fax 415 267-4198

Dear Mr. Peacock:

Enclosed you will find three (3) copies of the revised BearGuard label. Changes have been made to the label per your letter as forwarded via e-mail on February 26, 1999. Per our subsequent discussions, three additional changes, not mentioned in the letter, have been made to the product label as follows:

- for clarification, addition of the word "physical" into the first sentence of the precautionary statements; *ok*
- retention of the sentence beginning "Remove contaminated clothes..." at the end of the precautionary statements; *ok*
- addition of a note at the end of the directions for use section that states "As part of an ongoing research project, Guardian Security Products needs your true account of BearGuard™ use against bear attacks. Please call 1-800-527-4434."

SACRAMENTO

712 Fifth Street

Suite A

Davis, CA 95616

Telephone 530 757-1298

Fax 530 757-1299

With this letter we hereby commit to submitting data on storage stability and corrosion characteristics, within 15 months from the date of registration, for this product. Data will be generated on the product in its commercial packaging and will cover a time period of 12 months. With this letter we also commit to submitting efficacy data, within 12 months from the date of registration, specific to this product. As previously discussed, this data may be in the form of anecdotal reports from users or any other type of data related to specific use of this product to deter bears.

not placed in direction for use. placed under CO name.



WASHINGTON

1101 17th Street, N.W.

Suite 500

Washington, D.C. 20036

Telephone 202 223-4392

Fax 202 872-0745

Page 2

March 3, 1999

Once this product is registered, if the Agency intends on distributing an updated listing of registered bear deterrents, we request our subregistrant UDAP Industries, Inc. also be included on that list. As I believe you have discussed with Mark Matheny, President of UDAP Industries, this product will be sold to various government agencies that already receive a copy of the Agency's listing. As such, it will be important that those agencies be able to verify the UDAP product is a registered pesticide. Upon registration, I will forward a copy of the completed EPA Form 8570-5 (Notice of Supplemental Distribution of a Registered Pesticide Product) for your verification.

SAN FRANCISCO

2700 Steuart Street Tower

One Market

San Francisco, CA 94105

Telephone 415 267-4119

Fax 415 267-4198

If you have any questions or comments, please do not hesitate to let me know.

Sincerely,

Amy Plato Roberts

Regulatory Consultant for Guardian Personal Security Products

Direct dial (202) 828-8964

SACRAMENTO

712 Fifth Street

Suite A

Davis, CA 95616

Telephone 530 757-1298

Fax 530 757-1299

Z 487 320 830

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <i>Amey P.R.</i>	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

333

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge).

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make an inquiry.

334

PS Form 3800, April 1995 (Reverse)
E-695-98-M-0548

FEB 26 1999

CERTIFIED MAIL

Mrs. Amy Plato Roberts
Technology Sciences Group, Inc.
1101 17th Street, NW
Washington, DC 20036

Subject: BearGuard Bear Deterrent
EPA File Symbol 71920-R
Your application of December 15, 1998

Dear Mrs. Roberts:

The Agency has completed the review of your product chemistry and acute toxicity data. Our comments on these data, the efficacy of the product, and its labeling are expressed below. As soon as we have the revised labeling and the information about efficacy, we will be able to register this product.

✓ I. Product Chemistry Data

The product chemistry data are acceptable. However, you will have to submit data on storage stability and corrosion characteristics data within 15 months of registration. See the labeling requirements below.

✓ II. Acute Toxicity Data

These data were acceptable. See the labeling requirements below.

III. Efficacy Data

As indicated in our January 28, 1999, letter, we have enough efficacy information to register this product, based upon its apparent similarity to other nominally 10% Oleoresin of Capsicum (OC) aerosols that formed the basis of the recently published report of Herrero and Higgins (1998, Ursus, 10, 533-537). However, you need to submit data showing that your specific product effectively deters bear attacks. Before registration, you would need to make a commitment to submit these data within 12 months of receipt of a Notice of Registration.

IV. Labeling Comments

Make the following labeling changes and submit three (3) copies of revised, draft labeling:

1. Reformat your "Front Panel" as follows:

BEAR GUARD

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK REPELLENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.
[10 Pt type]

KEEP OUT OF REACH OF CHILDREN [10 Pt type]

DANGER [14 Pt type]

Strong temporary irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients:

Capsaicin and Related Capsaicinoids* 2.0%

Inert Ingredients: 98.0%

TOTAL 100.0%

*Made from Oleoresin of Capsicum

[Company Name and Address]

CHEMICAL EMERGENCY: 1-800-493-9300

EPA Reg. No. EPA Est. No.

Net Contents: 8 oz (225g)

2. Revise your "Precautionary Statements" as follows:

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS & DOMESTIC ANIMALS

DANGER

May cause irreversible eye damage if sprayed in the eye. Contact through touching or rubbing the eye may result in substantial but temporary eye irritation. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling.

FIRST AID
[or STATEMENT OF PRACTICAL TREATMENT]

IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

IF ON SKIN: Wash with plenty of soap and water. Get medical attention, if irritation persists.

PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130 Deg F may cause bursting.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water by disposing of unused material

3. Reorganize, reformat, and modify the "**DIRECTIONS FOR USE**" section to appear and read as indicated below.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. **Do not spray this product on tents, other objects, or on clothing.** Such use has no deterrent effect on bears and may attract them in some cases. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up 30 feet (9 meters). This canister empties completely in approximately 3.4 seconds [180-g] 4 seconds [225-g container] 5.4 seconds [260-g container].

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety clip and disarm the container. Before taking product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hike, hunt, or fish. Do not test-fire for more than half a second. After test firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described below.

To Arm and Apply: Place forefinger through loop in handle with thumb on curl of safety clip (fig. 1). With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb, releasing a 1-second burst of spray (fig. 2). This should be done when the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

Insert Figs. 1-3 Approximately Here
or Beside Preceding and Following Text

To Disarm: Replace orange safety clip as illustrated (fig. 3.)

It is very important that the format shown above be used. If necessary to fit the text onto one label panel, you may make the right panel of the label somewhat wider than the left.

4. Reformat your "STORAGE & DISPOSAL" section as follows:

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120 F or below 32F.

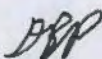
DISPOSAL: When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash. DO NOT INCINERATE OR PUNCTURE.

As a reminder, under section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), registrants are required to report adverse data and incidents to us under section 6(a)(2), usually within 30 days of receipt. If you need additional information about the reporting requirements, you can view them on EPA's website at:

<http://www.epa.gov/pesticides/fifra6a2/>

If you have questions about this letter, you may reach Dan Peacock by phone (703-305-5407), fax (703-305-6596), or E-Mail (peacock.dan@epa.gov)

Sincerely,



Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

cc: Region 8 (Tim Osag) and Region 10 (Lyn Frandsen)

Peacock:C:\Capsaicin\71920-R.Feb:305-5407:2/25/99

DP BARCODE: D251853

CASE: 064255
SUBMISSION: S553744

DATA PACKAGE RECORD
BEAN SHEET

8055
DATE: 12/29/98
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 152 PROP TEST PROT-NEW BIOL
RANKING : 5 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 2.0200%

ID#: 071920-R BearGuard Bear Deterrent

COMPANY: 071920 GUARDIAN PERSONAL SECURITY PRODUCTS, INC.

PRODUCT MANAGER: 04 TINA LEVINE 703-308-7055 ROOM: CM2 219

PM TEAM REVIEWER: GRACE ROBIOU 703-305-1016 ROOM: CM2 203

RECEIVED DATE: 12/16/98 DUE OUT DATE: 05/15/99

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 251853 EXPEDITE: Y DATE SENT: 12/29/98 DATE RET.: / /

CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)

DP TYPE: 001

CSF: Y

LABEL: Y

ASSIGNED TO	DATE	IN	DATE	OUT	ADMIN DUE DATE: 04/13/99
DIV : RD	/	/	/	/	NEGOT DATE: 3/30/99
BRAN: TRB	/	/	/	/	PROJ DATE: / /
SECT: CHEM	/	/	/	/	
REVR : SB.Mattew	01/26/99		01/27/99		
CONTR:	/	/	/	/	

* * * DATA REVIEW INSTRUCTIONS * * *

EXPEDITE: AGENCY HAS COMMITTED TO REVIEWING BEAR DETERRENT
PRODUCTS WITHIN 60 DAYS

Chemist:

Please review Product Chemistry Data (MRID 44717301) for
BearGuard.

Thank you so much.
Grace Robiou
305-1016
CM2 203

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL
251852	IRB/PM04	12/29/98	04/13/99	Y	Y	Y

DATE OUT: 26/JAN/1999

SUBJECT: PRODUCT CHEMISTRY REVIEW OF MP [] EP [X]
DP BARCODE No.: D251853 REG./File Symbol No.: 71920-R
PRODUCT NAME: BearGuard Bear Deterrent

FROM: Shyam Mathur, Chemist
Product Chemistry Team
Technical Review Branch/RD (7505C)

S Mathur
01-27-99

TO: Tina Levine, PM 04
Insecticide-Rodenticide Branch/RD(7505C)

INTRODUCTION:

The registrant has submitted product chemistry data to support the registration of the end-use product BearGuard Bear Deterrent.

SUMMARY OF FINDINGS:

1. The subject product contains Capsaicin, unregistered source product, as the active ingredient with product label claim of 2.02%.
2. The data submitted corresponding to the guideline reference 61-2 [830.1650] and 61-3 [830.1670] satisfy the data requirements of 40CFR§158.165 and §158.167 respectively.
3. The basic formulation CSF (dated 12-15-98) is filled out correctly and completely in compliance with PR Notice 91-2 and agree with the label claim nominal concentration.
4. The data submitted corresponding to the guideline reference 62-2 [830.1750] and 62-3 [830.1800] satisfy the data requirements of 40CFR§158.175 and §158.180 respectively.
5. The registrant has requested wider certified limits than standard certified limits as calculated from 40CFR§158.175. It is due to the fact that Capsaicin is a natural extract and can vary batch to batch, and source to source, depending on the condition of the harvested crop it was derived from.

SUBJECT: PRODUCT CHEMISTRY REVIEW OF MP [] EP [X]
DP BARCODE No.: D251853 REG./File Symbol No.: 71920-R
PRODUCT NAME: BearGuard Bear Deterrent

7. The registrant has provided the HPLC analysis(AOAC Official Method 995.03-Capsaicinoids in Capsicums and their extractives; Liquid Chromatographic Method) for one source product. It is advised that the registrant carry out analyses for active ingredient in all the alternative source products.

8. The data submitted corresponding to the guideline reference Physical state(830.6303), density(830.7300), pH(830.7000), Oxidation/Reduction(830.6314), Flammability(830.6315), Explodability(830.6316), Storage stability (830.6317), Dielectric breakdown voltage(830.6321), Viscosity(830.7100), Miscibility(830.6319), and corrosion characteristics(830.6320) satisfy the data requirements of 40CFR§158.190.

CONCLUSIONS:

1. The basic formulation CSF(dated December 15, ¹⁹⁹⁸) is acceptable.
2. The data submitted corresponding to the guideline reference 61-2[830.1650]and 61-3[830.1670] satisfy the data requirements of 40CFR158.165 and 158.167 respectively and are acceptable.
3. The data submitted corresponding to the guideline reference 62-2 [830.1750]and 62-3[830.1800] satisfy the data requirements of 40CFR§158.175 and §158.180 respectively and are acceptable.
4. The data submitted corresponding to Series 830 Group B(Physical -Chemical Properties) are acceptable.
- ✓ 5. The registrant is advised to submit the analyses of the active ingredient from all the alternative sources used in the formulation. Only one analysis has been submitted.
- ✓ 6. The registrant must submit the results of storage stability and corrosion characteristics studies to the Agency on completion.

PRODUCT CHEMISTRY REVIEW OF MP ☐ EP ☒
 DP BARCODE No.: D2551853 REG./File Symbol No.: 71920-R
 PRODUCT NAME: BearGuard Bear Deterrent
 DATE: 01-27-99

1. Reviewer: S.B.Mathur 2. Company: Guardian Personal Security Products Incorporation.

3. Type of Submission: Registration ☒ Reregistration ☐
 New ☒ Resubmission ☐ Amendment ☐ "ME-TOO" ☒
 Alternate Formulation ☐ Experimental Use Permit ☐
 Other (Specify) _____

4. If "Me-TOO" Registration, this product is ☐ is not ☒
 similar or substantially similar to EPA's Reg. No.: No
identification was provided
 If not, comment in Confidential Appendix A on the differences
 between the registered and the new source where significant

CONFIDENTIAL STATEMENT OF FORMULA

5. Type of formulation and the sources of active ingredients:

- Non-integrated formulation system..... ☐
- Are all technical grade active ingredients used registered?
- yes ☐ • no ☒, If no, specify _____
- Integrated formulation system..... ☒

6. Clearance of intentionally added ingredients in the
 formulation for the intended use (indicate in the Confidential
 Appendix those that are not cleared; the PC Codes should be
 provided by the chemist on the CSF for those that are
 cleared):

6(a) Formulation intended for food use under 40CFR§180.1001:

- yes ☐ • no ☒ • Some are cleared, others are not ☐
- Cleared under list: • c ☐ • d ☐ • e ☐

Are there any limitations for use as an inert under 40CFR§180.
 1001?

- yes ☐ • no ☐, If yes, specify _____

6(b) Formulation intended for non-food use:

- yes ☒ • no ☒ • Some are cleared, others are not ☐

6(c) Clearance by the FDA of certain formulations under 21CFR§170
 to 199. Examples: (a) indirect food additives, such as food
 contact surface sanitizers; adhesives, coatings, paper and
 paperboard products that may contact food in packaging or
 holding; and (b) substances generally recognized as safe
 (GRAS).

- yes ☐ • no ☐ • Some are cleared, others are not ☐
- If yes, the entire formulation is cleared under 21CFR§_____.

Active ingredient(s)	% by weight		
	NC	UCL	LCL
Capsaicin & Related Products	2.02	2.20	1.80

9. The calculated NCs, based on the pure active ingredients (PAI), are identical to those on the label:
- yes [X] • no [X]
10. The certified limits are within the standard limits as per 40CFR§158.175 or are adequately explained if different:
- yes [X] • no []

11. The chemical names of the active ingredients on the label are identical to those on the CSF: • yes [X] • no []

12. The appropriate physical and chemical hazards statement regarding flammability or explosive characteristics of the product are given on the label:
 • yes [] • no [] • not applicable [X]

13. The storage and disposal instructions for the pesticide and container are in compliance with PR Notice 84-1 for household use products or PR Notice 83-3 for all other uses:
 • yes [X] • no []

PRODUCT CHEMISTRY DATA (SERIES 61, 62, 63)

<u>14. Chemical IDs/Manufacture/ Analytical Information</u> New Guideline:830.--	<u>Data Required Fulfilled</u>	<u>MRID No.</u>
1550.(61-1)Chemical Identity(CSF)	Y	12-15-98
1600.(61-2a) Beginning Materials 1620.(61-2b) Formulation Process	Y	447218-01
1670.(61-3) Discussion of Impurities	Y	" "
1700.(62-1) Preliminary Analysis	NA	
1750.(62-2) Certified Limits(CSF)	Y	12-15-98
1800.(62-3)Enforcmnt. of Anal.Method	Y	447218-01

<u>15. Physical/Chemical Properties</u> New Guideline No. 830.---	<u>Data Required Fulfilled</u>	<u>Value or Qualitat. Descrip.</u>	<u>MRID No.</u>
6303.(63-3)Physical State	Y	Pressurized liquid	447173-01
7300.(63-7)Density/Bulk Den.	Y	1.10	" "
7000.(63-12) pH	Y	4.76	" "
6314.(63-14)Oxid/Red Action	Y	None	" "
6315.(63-15a)Flamm.-Flsh Pt.	NA		" "
6315.(63-15b) Flame Exten.	NA		
6316.(63-16)Explodability	NA		
6317.(63-17)Storage Stablty.	PR 92-5	I	" "
7100.(63-18)Viscosity	NA		" "
6319.(63-19) Miscibility	NA		
6320.(63-20)Corrosion Charac	Y	I	" "
6321.(63-21)Dielec.Bkd.Vltg	NA		

Explanations: Y = The Requirements Were fulfilled; N = The Requirements Were Not Fulfilled; NA = Not Applicable;
G = Data Gap; U = Requires Upgrading; I = Incomplete or In Progress; W = Waived.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not spray this product on objects, tents, or humans; such use has no deterrent effect on bears. Do not seek out encounters with bears or intentionally provoke them. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. This product has a range of up to 30 feet (9 meters). This canister empties in approximately [3.4 seconds [for 180g container size].] Or [4 seconds [for 225g container size].] Or [5.5 seconds [for 260g container size].].

Disclaimer: Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: May cause substantial but temporary eye injury if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Strongly irritating to nose and skin. Avoid contact with eyes, skin, or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID- IF IN EYES: Hold eyelids open and flush with steady, gentle stream of cool clean water for 15 minutes. Get medical attention.

PHYSICAL OR CHEMICAL HAZARDS: While this product is non-flammable, contents are under pressure. Keep away from fire, sparks and heated surfaces. Do not puncture or incinerate container. Exposure to temperatures above 120 F may cause bursting.

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN. Do not store in places where the temperature is above 120 F or below 32F. **DISPOSAL:** When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash. **DO NOT INCINERATE OR PUNCTURE**

GUARDIAN PRODUCTS

Phoenix, AZ 85027 1-800-527-4434

BearGuard™

CONSUMER PRODUCT SAFETY COMMISSION WARNING SECTION:

DANGER:

SEVERE IRRITANT

CONTENTS UNDER PRESSURE

CAREFULLY READ ADDITIONAL CAUTIONS ON SIDE PANELS

KEEP OUT OF REACH OF CHILDREN

DANGER

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED. SEE SIDE PANELS FOR ADDITIONAL PRECAUTIONARY STATEMENTS.

Active Ingredient:	2.02%
Capsaicin and related capsaicinoids (in oleoresin of capsicum)*	
Inert ingredients	97.98%
TOTAL	100%

*Equivalent to approximately 10% of 3,000,000 Scoville Heat Unit Oleoresin Capsicum

Manufactured by:
Guardian Personal Security Products, LLC
21639 N. 14th Ave.
Phoenix, AZ 85027
1-800-527-4434 (602) 582-1070
CHEMICAL EMERGENCY: 1-800-493-9300

EPA Registration 71920-R EPA Est. No:XXXXXX-XY-XXX

NET CONTENTS: 225g.

DIRECTIONS FOR USE: It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Application Directions: Special procedures must be followed to arm the container. apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions below and familiarize yourself with these procedures. If you test-fire this container, make sure that you are away from people, the wind is at your back and you depress the trigger lever for no more than a one-half second burst. Do not test-fire in areas inhabited by bears or where you plan to camp. After test-firing clean nozzle and can with soap and water to remove residue. If you have not used this product before you should obtain a Guardian training can and practice with it until you can perform these activities quickly and accurately.

TO ARM AND APPLY:

Designed for one-hand operation. Place forefinger through loop in handle with thumb on safety clip curl. With thumb, pull safety clip up and straight back. This will expose the trigger lever (Fig. 1). Depress trigger lever with thumb releasing a 1-2 second burst of spray (Fig. 2). This should be done as the attacking animal is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. You may have to wait until the animal is quite close before spraying. If the animal makes it through the initial burst of spray continue spraying, aiming for the face.

TO DISARM:

Replace orange clip as illustrated (Fig. 3).

Fig. 1



Fig. 2



Fig. 3



"Directions for Use" continued next column



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND
TOXIC SUBSTANCES

Grace Robiou
pm 04

16/FEB/1999
MEMORANDUM

Subject: EPA Reg. No.: 71920-R BearGuard Bear Deterrent
DP Barcode: D251854
Case No: 064255
PC Code: 070701

From: Eugenia McAndrew, Biologist *Emc*
Technical Review Branch
Registration Division (7505C)

To: Grace Robiou, PM Team: 04
Insecticide - Rodenticide Branch
Registration Division (7505C)

Applicant: Guardian Personal Security Products
21639 North 14th Avenue
Phoenix, AZ 85027

FORMULATION FROM LABEL:

	<u>Active Ingredient(s):</u>	<u>% by wt.</u>
070701	Capsaicin and related capsaicinoids (in oleoresin of capsicum)	2.02
	<u>Inert Ingredient(s):</u>	97.98
	Total:	100.00%

ACTION REQUESTED: PM requests review of two acute toxicity studies for BearGuard.

BACKGROUND: Guardian Personal Security Products has submitted two acute toxicity studies MRID 447173-03 and -04 to support registration of file symbol 71920-R, a new product known as BearGuard Bear Deterrent.

RECOMMENDATIONS: The two studies have been reviewed and are classified as acceptable. The other four required acute toxicity studies have not been submitted and are considered data gaps.

The acute toxicity profile for File Symbol No. 71920-R is as follows:

acute oral toxicity	--	not submitted
acute dermal toxicity	--	not submitted
acute inhalation toxicity	--	not submitted
primary eye irritation	II	acceptable
primary skin irritation	IV	acceptable
dermal sensitization	--	not submitted

LABELING: The following precautionary and first aid statements are required by the Label Review System. They are based on the toxicity categories for primary eye irritation and primary skin irritation only; the signal word is subject to change and the final labeling cannot be determined until the other four studies are submitted.

Date: 02/16/99

LABEL REVIEW SYSTEM

ID #: 071920-00001 BearGuard Bear Deterrent

SIGNAL WORD: WARNING

PRECAUTIONARY STATEMENTS:

Causes substantial but temporary eye injury. Do not get in eyes or on clothing. Wear goggles or face shield. Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Remove contaminated clothing and wash clothing before reuse.

STATEMENT OF PRACTICAL TREATMENT (SOPT):

IF SWALLOWED: Call a physician or Poison Control Center. Do not induce vomiting. Drink promptly a large quantity of milk, egg whites, gelatin solution, or if these are not available, drink large quantities of water. If person is unconscious, do not give anything by mouth. Avoid alcohol.

IF IN EYES: Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

DATA REVIEW FOR PRIMARY EYE IRRITATION TESTING (870.2400)

Product Manager: 04
MRID No.: 44717303

Reviewer: Eugenia McAndrew
Study Completion Date: December 14, 1998
Study No.: 6718

Testing Facility: Product Safety Labs, East Brunswick, New Jersey
Author: George E. Moore, B.S.

Quality Assurance (40 CFR §160.12): Included

Test Material: 2% MC Bear Spray, Formula 1; 25% oleoresin capsicum (@ 21% MC) 75% other ingredients; PSL Reference Number E80928-3R; dark red liquid

Dosage: 0.1 mL

Species: Rabbit; New Zealand albino

Age: Adult

Source: Davidson's Mill Farm, South Brunswick, NJ

Conclusion:

1. **Toxicity Category:** II
2. **Classification:** Acceptable

Procedure (Deviations from 870.2400): None

Unwashed eyes:

Observations	Number "positive"/number tested									
	Hours				Days					
	1	24	48	72	4	7	10	14	17	21
Corneal Opacity	0/6	6/6	4/6	4/6	3/6	1/6	1/6	1/6	1/6	0/6
Iritis	0/6	4/6	3/6	0/6	0/6	0/6	0/6	0/6	0/6	0/6
Conjunctivae:										
Redness*	5/6	6/6	2/6	2/6	1/6	1/6	0/6	0/6	0/6	0/6
Chemosis*	1/6	5/6	1/6	1/6	1/6	0/6	0/6	0/6	0/6	0/6
Discharge*	6/6	6/6	2/6	2/6	1/6	0/6	0/6	0/6	0/6	0/6

*Score of 2 or more required to be considered "positive."

Summary: Twenty-four hours after instillation, all treated eyes exhibited corneal opacity and conjunctivitis and 4/6 eyes showed iritis. By 72 hours, corneal opacity had decreased to 4/6 eyes, conjunctivitis had decreased to 2/6 eyes, and iritis had cleared. By day 10, corneal opacity persisted in 1/6 eyes and all other irritation cleared. By day 21, all irritation cleared.

DATA REVIEW FOR PRIMARY DERMAL IRRITATION TESTING (870.2500)

Product Manager: 04
MRID No.: 44717304

Reviewer: Eugenia McAndrew
Study Completion Date: December 14, 1998
Study No.: 6719

Testing Facility: Product Safety Labs, East Brunswick, New Jersey
Author: George E. Moore, B.S.

Quality Assurance (40 CFR §160.12): Included

Test Material: 2% MC Bear Spray, Formula 1; 25% oleoresin capsicum (@ 21% MC) 75% other ingredients; PSL Reference Number E80928-3R; dark red liquid

Dosage: 0.5mL

Species: Rabbit; New Zealand albino

Age: Adult

Source: Davison's Mill Farm, South Brunswick, New Jersey

Conclusion:

1. **Toxicity Category:** IV
2. **Classification:** Acceptable

Procedure (Deviations from 870.2500):

Results: PDII = 0.1 One hour after patch removal, very slight erythema was observed at 2/6 test sites. All irritation cleared within 24 hours.

ACUTE TOX ONE-LINERS

1. DP BARCODE: D251854

2. PC CODE: 070701

3. CURRENT DATE: 16/FEB/1999

4. TEST MATERIAL: 2% MC Bear Spray, Formula 1; 25% oleoresin capsicum (@ 21% MC) 75% other ingredients; dark red liquid

Study/Species/Lab Study #/Date	MRID	Results	Tox. Cat.	Core Grade
Primary eye irritation/rabbit Product Safety Labs/6718 12-14-98	44717303	Corneal opacity in 6/6 eyes at 24 hours. All irritation cleared within 21 days.	II	A
Primary skin irritation/rabbit Product Safety Labs/6719 12-14-98	44717304	Very slight erythema in 2/6 test sites at one hour. All irritation cleared within 24 hours.	IV	A

Core Grade Key: A =Acceptable, S = Supplementary, U = Unacceptable, V = Self Validated

NIFT

5553744 5553744

Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060. Approval expires 05-31-98



United States
Environmental Protection Agency
Washington, DC 20480

☒ Registration
☐ Amendment
☐ Other

OPP Identifier Number

254136

Application for Pesticide - Section I

1. Company/Product Number

71920-R

2. EPA Product Manager

DAN PEACOCK
Dan Peacock

3. Proposed Classification

☒ None☐ Restricted

4. Company/Product (Name)

BearGuard Bear Deterrent

PM#

Insecticide/Rodenticide Branch

5. Name and Address of Applicant (Include ZIP Code)

Guardian Personal Security Products
21639 North 14th Avenue
Phoenix, AZ 85027

☐

Check if this is a new address

6. Expedited Review. In accordance with FIFRA Section 3(c)(3)(b)(i), my product is similar or identical in composition and labeling to:

EPA Reg. No. 55541-2

Product Name Counter Assault Bear Deterrent

Section - II

☐ Amendment - Explain below.☐ Resubmission in response to Agency letter dated _____☐ Notification - Explain below.☐ Final printed labels in response to Agency letter dated _____☐ "Me Too" Application.☐ Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Section - III

1. Material This Product Will Be Packaged In:

Child-Resistant Packaging

☐ Yes
☒ No

Unit Packaging

☐ Yes
☒ No

Water Soluble Packaging

☐ Yes
☒ No

2. Type of Container

☒ Metal
☐ Plastic
☐ Glass
☐ Paper
☐ Other (Specify) _____

Certification must submitted

If "Yes" Unit Packaging wgt.

No. per container

If "Yes" Package wgt

No. per container

3. Location of Net Contents Information

☐ Label ☒ Container

4. Size(s) Retail Container

180g, 225g, 260g

5. Location of Label Directions

☒ On Label
☐ On Labeling accompanying product

6. Manner in Which Label is Affixed to Product

☒ Lithograph
☐ Paper glued
☐ Stenciled

☐ Other _____

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name

Amy Plato Roberts

Title

Regulatory Consultant

Telephone No. (Include Area Code)

(202) 429-8964

Certification

I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

6. Date Application Received

(Stamped)

2. Signature

3. Title

Regulatory Consultant

4. Typed Name

Amy Plato Roberts

5. Date

December 15, 1998

354



Dan Peacock on 02/03/99 11:30:23 AM

To: Bill Jacobs/DC/USEPA/US@EPA, Grace Robiou/DC/USEPA/US@EPA
cc: Tina Levine/DC/USEPA/US@EPA
Subject: Region 4 Enforcement Personnel Pays International Sporting Show a Visit

Bill and Grace,

I just received a worried call from Amy Roberts of TSG, consultant for Bear Guard. It seems that Region 4 enforcement paid a visit to a big International Sporting Show in Atlanta this AM. Supposedly, this is the biggest show for persons selling personal defense sprays for animals and people. Enforcement took pictures and attempted to get samples. According to Amy, the president of Guardian Personal Security Products, Karl Scholz, refused to sign something and promptly got into a shouting match with EPA personnel. Amy was concerned that he might have overreacted and wanted to talk to someone in Region 4.

I told Amy that I knew that there was a possibility of a visit from Region 4 inspectors but had no advanced knowledge that they were actually going to follow through and had no specific contact for her to call. I told her that I was glad that they had done the inspections at the show because it sends a message to the dealers and distributors that enforcement will extend beyond the manufacturers level. As to the liability of Guardian, the "devil is in the details". If their presentations were honest, I would assume that they have no worries. However, if they were making false or misleading representations or actually selling unregistered products, then they may have a problem.

I wanted to give you a heads up since I will be away and you might have to answer a question. See yesterday's chart (Actual & Potential Registrants of Bear-Deterrent Products) for a list of the players, the status of their products, etc.

Dan Peacock, 305-5407



Dan Peacock on 01/29/99 07:20:53 AM

To: aroberts@tsgusa.com
cc: Grace Robiou/DC/USEPA/US@EPA, Bill Jacobs/DC/USEPA/US@EPA
Subject: Bear Guard letter for your files

Amy Roberts,

Thanks for your telephone message. Attached is a copy of our letter. The status of our review is:

1. efficacy- done, need labeling changes and commitment to do some additional work on individual formulation as condition of registration. See attached letter.
2. chemistry-almost done-One supplier OK but for others company will need 5 batch analyses and fact sheet before those suppliers can be used. I expect review shortly. Our next ltr list any other information needed
3. acute tox-to be completed no later than 2/20/99

With respect to what they could say about the status of their product is the following:

The company submitted an application for registration to the EPA on December 15, 1999. The Agency is currently reviewing the application and expects to make a decision about the application by the end of February. At that time the Agency will either register the product or request more information or data. Currently, the Agency has NOT made a decision to register or not to register this product based on the information and data received with the December 1999 application.

P.S. So far the review of this application is proceeding much faster than the previous 3 applications for bear deterrents because it put together better than the others. Good work!

Please remind the company that they can no longer sell unregistered bear deterrents. Any one doing so is subject to immediate stop sale. Companies that sell product without claims on the label but advertise them as such or that sell products with disclaimers that the product does not meet EPA requirements will be stop saled.

I believe that the next big show is in Atlanta, the home of EPA Region 4 enforcement.

Dan Peacock, 703-305-5407

----- Forwarded by Dan Peacock/DC/USEPA/US on 01/29/99 06:59 AM -----

Grace Robiou
01/28/99 09:58 AM

To: Dan Peacock/DC/USEPA/US@EPA
cc:
Subject: Bear Guard letter for your files

See attached.



71920-R.w

Grace

January 27, 1999

MEMORANDUM

SUBJECT: Request to Expedite Review of Product Chemistry [S-553744, D251853]
and Acute Toxicity [S553744, D251854] Reviews
Guardian Personal Security Products, Inc. BearGuard Bear Deterrent
EPA File Symbol 71920-R

Submitted to Technical Support Branch on 12/29/98
by PM Team 14

-----DECISION MEMORANDUM-----

FROM: Tina Levine, Chief
Insecticide-Rodenticide Branch

Tina E. Levine

TO: Deborah McCall, Chief
Technical Review Branch

This memorandum requests an expedite of the review of the subject application. I have checked the applicable boxes that identify the reviews that I would like to have done on an expedited basis.

 X Product Chemistry Review

 X Precautionary Labeling Review

We would appreciate receiving these reviews no later than:

February 20, 1999

Reasons for Expedite:

We are requesting this expedite because, since 1993, the Agency has committed itself to expediting the applications of bear deterrents containing Capsaicin in an effort bring this segment of the market into the community of regulated products, as required under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). In May 1998, the Registration Division (RD) finally registered its first Capsaicin bear deterrent product (Counter Assault), which triggered a

concerted efforts by other sellers of unregistered products to develop data for registration. Guard Alaska Bear Repellent followed suit on December 22, 1998. This application is a direct result of the initial registration of Counter Assault.

We appreciate your efforts in supporting this policy of expedited reviews because it is helping to solve a long-standing problem.

If you or the reviewer has questions about either product, please contact Mr. Dan Peacock at 305-5407, or Ms. Grace Robiou at 305-1016.

CONCUR: _____

DO NOT CONCUR: _____

DATE: _____

Z 487 320 901

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Bear Guard	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

360

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge).

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make an inquiry.

361

PS 95-98-M-C548

S 552744
152/10

CERTIFIED MAIL

JAN 28 1999

Mrs. Amy Plato Roberts
Technology Sciences Group, Inc.
1101 17th Street, NW
Washington, DC 20036

Subject: BearGuard Bear Deterrent
EPA File Symbol 71920-R
Your application of December 15, 1998

Dear Mrs. Plato Roberts:

The Agency has completed the review of your product's performance study. Our comments on this study, as well as those changes required on the label as a result of these findings, are expressed below.

I. Performance Study

The spray pattern report is acceptable. It was assigned the MRID Number 447173-02. The videotape that you provided was very helpful in our assessment of the study and enabled us to correct a mistake where the height and width measurements were recorded in error.

You have not submitted any efficacy data on your product. We can conditionally register this product based upon its apparent similarity to other nominally 10% Oleoresin of Capsicum (OC) aerosols which, perhaps along with your product, supplied the data summarized in the recently published report by Herrero and Higgins (1998, Ursus, 10, 533-537). Ultimately, you must supply data which show that your specific product effectively deters attacks by bears.

II. Label Revisions

We also are aware of a report by Smith (1998, Wilson Society Bulletin, 26:1, 92-94) which indicates that surfaces treated with OC sprays are highly attractive to brown bears. These data and anecdotal reports consistent with Smith's findings have led us to conclude that it is imperative that labels for OC bear repellents include stern prohibitions and warnings regarding prophylactic applications of such products.

Within 30 days of receipt of this letter, submit three (3) copies of revised labeling incorporating the following specifications:

1. As this product is regulated by EPA, delete the words "CONSUMER PRODUCT SAFETY COMMISSION WARNING SECTION" from the center panel of the label. Move the signal word and other precautionary statements below the statement of ingredients. Place the "DO NOT SEEK ENCOUNTERS . . . ENCOUNTERED" text immediately below the name of the product. The sentence "SEE SIDE PANELS FOR ADDITIONAL PRECAUTIONARY STATEMENTS" should appear below "**KEEP OUT OF REACH OF CHILDREN**". If this change is made, you will not have to also use "CAREFULLY READ ADDITIONAL CAUTIONS ON SIDE PANELS".
2. Reorganize, reformat, and modify the "**DIRECTIONS FOR USE**" section to appear and read as indicated below.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears and may attract them in some cases. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up 30 feet (9 meters). This canister empties completely in approximately 3.4 seconds [180-g] 4 seconds [225-g container] 5.4 seconds [260-g container].

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety clip and disarm the container. Before

taking product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard™ in an area where you plan to camp, hike, hunt, or fish. Do not test-fire for more than half a second. After test firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described below.

To Arm and Apply: Place forefinger through loop in handle with thumb on curl of safety clip (fig. 1). With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb, releasing a 1-second burst of spray (fig. 2). This should be done when the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

Insert Figs. 1-3 Approximately Here
or Beside Preceding and Following Text

To Disarm: Replace orange safety clip as illustrated (fig. 3.)

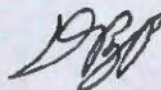
It is very important that the format shown above be used. If necessary to fit the text onto one label panel, you may make the right panel of the label somewhat wider than the left.

As soon as we have completed our review of your product chemistry and acute toxicity data, we will provide you with our comments.

Page 4 of 4

If you have questions about this letter, you may reach Grace M. Robiou by phone (703-3005-1016), fax (703-305-6596), or E-Mail (robiou.grace@epa.gov)

Sincerely,



Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

C:\My Folder\71920-R.wpd/temporary Grace Robiou 305-1016

IRB BRANCH REVIEW - TSS

Record Number(s)

D251852

IN 12/29/98 OUT 1/25/99

EFFICACY

FILE OR REG. NO. 71920-R

PETITION OR EXP. PERMIT NO. _____

DATE DIV. RECEIVED 12/16/98

DATE OF SUBMISSION 12/15/98

DATE SUBMISSION ~~ACCEPTED~~ 12/29/98

TYPE PRODUCTS(S): I, D, H, F, N, R, x S

DATA ACCESSION NO(S). 447173-02

PRODUCT MER. NO. 04

PRODUCT NAME(S) BEARGUARD

COMPANY NAME Guardian Personal Security Products, Inc.

SUBMISSION PURPOSE registration

CHEMICAL & FORMULATION 2.02% "Capsaicin and related capsaicinoids (in
oleoresin of capsicum)" aerosol

Efficacy Review: BEARGUARD, 71920-R
Guardian Products
Phoenix, AZ 85027

200.0 INTRODUCTION

200.1 Uses

2.02% "Capsaicin and related capsaicinoids (in oleoresin of capsicum)" aerosol proposed for Federal registration "to deter bears which are attacking or appear likely to attack humans".

200.2 Background Information

There have been no prior efficacy reviews for this product.

This review discusses portions of Guardian's submission of 12/15/98 (their initial application for registration of this product). The initial submission includes assorted forms and matrices; a proposed label; reports which pertain to product chemistry, toxicity, and spray pattern; and a Confidential Statement of Formula (CSF). Evidently, no true efficacy data were submitted.

It is clear from the content of this application that Guardian has received some EPA-related guidance regarding labeling. I also have received a videotape of the spray pattern test. The tape was included with the submission of 12/15/98. The application form of 12/15/98 identifies 3 proposed container sizes: 180 g, 225 g, and 260 g. The application package was signed by Amy Plato Roberts of Technology Sciences Group, Inc., a consulting group. Ms. Roberts is based in Washington, DC.

Like dog-attack repellents, bear-attack repellents are considered to be pesticides. Because unmitigated attacks by bears could result in severe injury including loss of human life, repelling attacking bears is considered to be a public-health use pattern which must be supported by efficacy data.

Due to unfortunate events and circumstances, unregistered bear-attack repellents have been sold illegally in the U.S. for roughly two decades, often with the complicity of various government agencies. Enforcement actions against several such products were initiated in 1993 by the Alaska Department of Natural Resources. After EPA and some Congress people became involved, the Agency gave bear repellents an official wink (aka "enforcement discretion") for a period of one year to permit the products to stay on the market while their producers attempted to get them registered. That year was up by mid-1994; but only 3 bear

repellents have been registered in the U.S. -- 2 Capsicum-based products registered in 1998 and a product registered in 1995 which is claimed to smell like the odor of a scenting skunk.

Unregistered bear-repellent products should be registered or removed from the market. (EPA initiated enforcement actions to do just that in 1998.) The unregistered products were poorly labeled in several ways. We also were told that prophylactic applications (i.e., superstitious misuse) of Capsaicin products to campsite items (tents, tarps, bedding etc.) and clothing sometimes attract bears, even to the point of enticing them to roll on treated substrates (see below). As such behavior is opposite to what is desired for a bear repellent, it is important that labels for bear-attack repellents to prohibit prophylactic applications and indicate why they are a really bad idea. Through the registration process, we can make sure that labels for these products bear appropriate text which indicates that product effectiveness is situation-specific.

201.0 DATA SUMMARY

The CSF included with the application of 12/15/98 describes a liquid aerosol formulation that is claimed to be 2.02% **"Capsaicin and related capsaicinoids (in Oleoresin of Capsicum)"**. The non-capsaicin/capsaicinoid portion of the Oleoresin of Capsicum (OC) is claimed to be 7.98% of the formulation for a total OC concentration of 10%. The propellant is claimed to be 60%. This means that OC comprises 1/4 of the non-propellant fraction, with [REDACTED] comprising the rest as a "Carrier/Solvent". This ingredient also irritates eyes somewhat and might contribute to the general discomfort associated with contacting the product. Consequently, [REDACTED] could be considered to be an active ingredient.

The submission of 12/15/98 includes a product chemistry package which, among other things, contains a "CERTIFICATE OF ANALYSIS" by Chromtec of North Palm Beach, FL. This document states that a test sample of OC was found to be 22.0% (+/-0.1%) Total Capsaicinoids. This fraction is reported to have been 52.9% Capsaicin, 39.4% Dihydrocapsaicin, and 7.7% Nordihydrocapsaicin with 3,300,000 Scoville Heat Units. Chromtec found a sample of **"DEFENSE SPRAY"** to be 2.02% (+/-0.01%) Total Capsaicinoids. This fraction is reported to have been 55.5% Capsaicin, 38.3% Dihydrocapsaicin, and 6.2% Nordihydrocapsaicin with 303,700 Scoville Heat Units. The **"Absolute Capsaicin Content"** in the formulated product was calculated as 1.12%. The spray pattern test is cited and discussed below.

1. Scholz, K. (1998) Spray pattern study for BearGuard® Bear Deterrent. Unpublished report, Guardian Personal Security Products, Phoenix, AZ. 11 pp.

MRID# 447173-02

This study is unusual among those that I have reviewed in that the actual tests have been captured on videotape and submitted along with the written report.

Scholz and an assistant (Dan Crowley) ran this study outdoors, monitoring wind speed and direction as well as temperature as they went along. The two phases of the research were the actual spray pattern test and determinations of the time that it took to empty containers of various sizes of their useful contents by continuous spraying.

For the spray pattern test, the researchers set up a vertical target and sprayed product toward it from fixed distances of 5', 10', 15', 20', 25', 30' and 35'. For the benefit of those who might watch the videotape, the researchers set up posters indicating each test point except 35'. For each test, they covered the target with strips white paper. The strips were perhaps a foot wide and overlapped one another somewhat on the target. The overlapping sheets enabled Scholz to detect faint evidence of spray deposits because exposed areas were colored a bit while the covered edges of sheets remained pure white. A small mass of Christmas-tree tinsel pinned to the target reflected wind direction and also enabled researchers to detect when the repellent had gotten to the target.

Test containers were placed, unshaken, on a table and fired at the target from there, thus assuring that the container was still and fired from the same height for each trial. The researchers used a hand-held digital anemometer to measure wind speed and reported wind direction as though the target were at 12 O'clock and the user at 6 O'clock on a giant outdoor sundial. Therefore, a pure tailwind was called 6:00, a crosswind from the users right 3:00 and winds from between those points either 4:00 or 5:00. No winds from other directions were reported. Being no fools, the researchers avoided testing the product into headwinds. Winds were mild at most. Perhaps because of low wind during the test at 25', Scholz walked into a non-dispersed spray cloud and received an obviously painful ocular dose.

Results of the spray pattern test are shown below. The data presented are for the one test at each distance which was considered to be the official one. At some distances,

a test was repeated because researchers had forgotten to change paper or wind had carried the spray off target. Between the 5' and 10' tests, Scholz changed procedure from measuring the height and width of the entire spray pattern to measuring those dimensions of the central area. After 20' or so, spray patterns were so diffuse that the camera operator had to zoom in on the target to make spray dots visible, and central areas of concentration were not obvious. After 2 attempts at 35' yielded essentially clear targets, Scholz concluded that his company would seek only a claim of 30'.

DISTANCE TO TARGET	TEMPERATURE (F)	WIND SPEED (mph)	WIND DIRECTION	SPRAY PATTERN	
				<u>Height</u>	<u>Width</u>
5'	80°	2.3	4:00	42"	39"*
10'	80°	1.8	3:00	36"	36"¶
15'	86°	1.1	3:00	42"	48"¶
20'	86°	2.0	5:00	54"	67"¶
25'	84°	0.0	----	67"	73"¶
30'	85°	2.5	6:00	64"	91"¶
35'	80°	3.3	6:00	---	---

* Entire sprayed dimensions reported. Central area of intense spray was about 1' in diameter.

¶ Dimensions for area of most intense spray reported. Strong central areas at 10' and 15'. Patterns were more uniform at greater distances. Scholz verbally reported measurements backwards (i.e., width as height and vice versa) for the 15' distance. Therefore, they were recorded and reported incorrectly. Figures shown above are correct.

For the test of spray duration, Scholz reports that it took 3.38 sec to exhaust a 180-g unit of its useful contents, 4.04 sec for a 225-g unit, and 5.37 sec for a 260-g unit. Scholz later demonstrated that he could fire about 14 bursts of actual-use duration from one 260-g can.

Having viewed the videotape of this test several times, I am persuaded that the BearGuard~~®~~ product produces an appropriate spray cloud for a bear-attack repellent. I also am in a better position to interpret reports of spray

pattern tests of other products as a result of having observed the conduct of Guardian's tests.

Guardian has not supplied any actual efficacy data on its products. Below, I cite and discuss two recent papers that are relevant to this type of product.

2. Smith, T.S. (1998) Attraction of brown bears to red pepper spray deterrent. Wilson Society Bulletin, 26:1, 92-94.

Smith states that liquid sprays made from Oleoresin Capsicum (hereafter OC) were developed in the 1970's. (No such product was registered for use in the U.S. until 1998). Smith's study documents that brown bears are attracted to objects treated with OC sprays.

Smith's study sites were 9 locations along the Kulik River in Katmai N.P., AK. The sites selected were gravel substrates located along "bear travel corridors". Smith wanted to observe responses of bears which, in the course of their normal wanderings, encountered objects treated with OC sprays. Treated areas were 1 m² in area. Products from 4 different manufacturers tested. Seven of the sites were treated with products claimed to be 10% OC, while 2 sites were treated with a nominally 15% OC product. Bears were observed from blinds located 10-200 m from treated substrates. Observations were made over the period from 10/25/97 through 10/27/97 from 10:00 AM to 5:00 PM.

Smith observed 13 instances of individual bears or groups of bears visiting treated sites. Some 20 bears were observed including 3 mother bears, 7 bear cubs, 3 adult male bears, and 7 other bears of unknown gender. These bears made a total of 40 approaches to the treated sites. Using a nominal scale of intensity of response for the 40 approaches, Smith reports the data shown below.

BEAR COHORT	N	INTENSITY OF REACTION			
		<u>None</u>	<u>Slight</u>	<u>Moderate</u>	<u>High</u>
Adult males	3	2		1	
Female w/cubs	3	2	3	1	2
Lone bears (sex not determined)	7	12	5	3	9
TOTALS	13	16	8	5	11

The specific behavioral responses observed included

"25 bouts of sniffing, 9 pawing bouts, 10 licking bouts, 16 head rubbing bouts, and 11 bouts of bears rolling their entire body on the pepper spray. Behavioral bouts at individual treatment sites lasted of 0.1-2.5 minutes (\bar{x} = 1.0 min. SD = 0.47)."

Apparently, all **"High"** intensity responses included bouts of rolling. Smith's article includes a photograph of a "Bear lying in pepper spray. Smith claims, at other times, to have observed bears at the same loci that were treated with OC products for ">750 hours" without once seeing

"bears rubbing their heads on the ground, pawing and licking soils, or rolling on their backs as done in the presence of red pepper spray residue, strongly suggesting that these novel behaviors stemmed directly from exposure to the red pepper spray I had deposited on soils."

Smith also claims that in each of the 16 **"No Response"** outcomes, prevailing wind speeds were in excess of 37 km/hr (about 23 mph). Smith also reports that bears responded strongly to substrates that were treated 5 days earlier. Smith does not report that use of a pure Capsaicin product was associated with any **"No Response"** outcomes.

In light of his results, Smith expresses concern that test firing of cans of bear repellent might leave OC residues on objects in the campground, including the partially used spray cans. He suggests that label directions encouraging test firings might be counterproductive from a safety standpoint and run counter to the advice given to those who hike and camp in bear country (i.e., to keep food items and "otherwise odorific articles" away from sleeping areas. He adds,

"Given that red pepper spray residues elicit intense interest and scent rubbing in bears, it may be prudent to keep canisters which have been fired free of residues by careful cleaning or storage in locations other than sleeping areas. Given these findings, I recommend a cautious approach to use and storage of red pepper spray products in bear country.

It is unfortunate that Smith neither names the products tested nor presents results on a product-by-product basis.

While this report suggests that labels should prohibit prophylactic applications, it cannot help us in assessing claims to the effect that some products are less attractant than others to bears in non-attack situations.

A videotape supplied by another applicant includes some footage from Smith's research. Brown bears do rub their heads or torsos (back and front) into areas along a river bank. Smith's report shows that OC repellents can attract bears but does not settle the issue of why this occurs.

In November of 1998, Stephen Herrero of the University of Calgary provided us with the published version of the report cited and discussed below. We had received earlier versions of this report from other sources.

3. Herrero, S. and Higgins, A. (1998) Field use of capsicum spray as a bear deterrent. Ursus, 10, 533-537.

Herrero and Higgins summarize and attempt to draw inferences from "66 cases of field use of capsicum sprays" which occurred from 1984 through 1994. Fifty of these cases histories involved use of the Counter Assault product of the Bushwacker Backpack and Supply Co., Missoula, MT (now registered as 55541-2). The authors assumed that most or all of the products used

"likely contained 10% capsicum extract as their active ingredient."

The cases occurred primarily in Canada, Alaska, and Montana. (All sales of capsicum-based bear repellents in the U.S. would have been illegal during the time period covered by this report.)

Thirty-six of the cases involved brown bears, while the remaining 30 involved black bears. The authors summarize the incidents according to the type of bear involved and its apparent pre-application behavior. They also attempt to correlate outcomes with degrees of reported exposure of the bears to repellents, but conclude that no clear links are evident. Below, I present tables constructed from the results discussed by the authors in paragraph form.

The incidents of brown bears leaving include some in which it took 2 or 3 sprayings to drive them away. One of the 3 hospitalizations lasted more than 24 hours. The encounters in which people were hurt included 1 with an adult male and 2 involving an adult female with cubs. In each of these cases, the bears reportedly received substantial facial exposure to the spray.

BROWN BEARS ACTING AGGRESSIVELY

EVENT	# OF CASES	% OF TOTAL
All such incidents	16	100%
Bear charged people	14	88%
Only one bear seen	6	38%
Female with cubs involved	10	62%
Adult male bear involved	1	6%
Bear stopped aggressive behavior	15	94%
Bear continued aggressiveness	1	6%
Initially repelled bears subsequently resumed aggressive behavior	5	31%
Bear left area after spraying	14	88%
Person left area after bear was sprayed	2	12%
Person doing spraying was injured, hospitalized	3	19%
Bear causing injury left area after additional spraying	1	6%
Person was not aware of bear until it was within 50 m	13	81%
Bear first sighted at >200 m	2	12%

BROWN BEARS ACTING CURIOUSLY OR SEARCHING FOR PEOPLE'S FOOD OR GARBAGE

EVENT	# OF CASES	% OF TOTAL
All such incidents	20	100%
Bear not aggressive prior to being sprayed	16	80%
Bear aggressive prior to being sprayed (but aggression was associated with getting a person's food)	4	20%
Only one bear involved	16	80%
Sibling group involved	4	20%
Bears were subadults	17	85%
Bear stopped undesirable behavior immediately after spraying	20	100%
Bear left area immediately after spraying	18	90%
Bear that had left returned subsequently	2	10%
Bear did not appear to receive substantial dose in face	8	40%
Sound of spray discharge & spray appeared to drive bear off	3	15%

The incidents involving black bears were less likely to involve aggressive bears and were less likely to result in the departure of the sprayed bear than with the incidents involving brown bears. Black bear incidents are summarized in the following tables. Note that the person who was followed by a black bear from the area where the encounter took place reportedly was able make it back to camp "only after firing a bear banger."

BLACK BEARS ACTING AGGRESSIVELY

EVENT	# OF CASES	% OF TOTAL
All such incidents	4	100%
Bear charged people	2	50%
Bear vocalized aggressively, then approached	1	25%
Humans did not notice bears until they were < 50 m apart	3	75%
Bear exhibited predatory behavior	1	25%
Only one bear involved	1	25%
One or 2 bears involved	3	75%
Bears possibly courting	1	25%
Spray changed bear's behavior	4	100%
Bear left area after spraying	0	0%
Bear shot dead after spraying	1	25%
Bear left after shotgun was fired	1	25%
Person left area after bear was sprayed	2	50%
Bear followed person leaving area	1	25%
People injured	0	0%

While black bears were less likely to respond as intended to the products used than were brown bears, brown bears (presumably including grizzlies and Kodiak's) were responsible for the serious injuries that were reported. The authors caution that they have no knowledge of how any of the reported encounters would have ended if the spray had not been used and note that charges without attacks are common for black bears in the absence of spray applications.

BLACK BEARS ACTING CURIOUSLY OR
SEARCHING FOR PEOPLE'S FOOD OR GARBAGE

EVENT	# OF CASES	% OF TOTAL
All such incidents	26	100%
Bear not aggressive prior to being sprayed	22	85%
Bear aggressive prior to being sprayed (but aggression was associated with getting a person's food or garbage)	4	15%
Only one bear involved	24	92%
Female with cubs involved	2	8%
Spray apparently changed bear's behavior	19	73%
Spray elicited varied and unclear responses	5	19%
Bear showed no apparent response to spray	2	8%
Bear left area after spraying	14	54%
Bear that had left returned subsequently	6	23%
Bear appeared to receive substantial facial exposure	13	50%
Bear did not leave or returned despite apparently substantial dose in face	8	31%

The authors report that wind, rain, and interference adversely affected results in 6 of the 66 cases (9%). Crosswinds and vegetation led to misses; headwinds to autoexposure of applicators; and rain to rapid run-off of applied material. Applying into a headwind caused applicators to be exposed to the product. Spray canisters did not work appropriately in 2 additional incidents (3% of the total). Another user ran out of product while a brown bear was still charging. Canisters reportedly had ranges of about 6 m (probably reported as 20'), with accuracy being enhanced within 3 m (10').

Herrero and Higgins were concerned that the sprays might be less effective on black bears than on brown bears, but felt that they did not have enough data on that topic to reach a firm conclusion.

Herrero and Smith suggested that users should test spray canisters "briefly" to become familiar with how they work and to make sure that they work.

The authors conclude that while capsicum sprays appear to have value ("reasonably, but not 100%, effective") in deterring bears. They add,

"Carrying bear spray is not a substitute for the normal precautions when traveling or camping in bear country."

Product labels should reflect this sentiment and should indicate the conditions that might affect efficacy.

The report by Herrero and Higgins (1998) indicates that OC sprays usually work against bears, especially brown bears. The authors suggest that users "briefly" test fire spray canisters. If the claim that oils in Oleoresin Capsicum attract bears is valid, some of the products used in the incidents summarized by Herrero and Higgins might have helped to precipitate the encounters.

The report by Smith (1998) indicates that a substrate treated with OC bear repellents can elicit prolonged interest and physical contact in brown bears. If nothing else, this suggests that any test firings should be conducted well away from campsites and perhaps long before person and product enter bear country. Labels should reflect this conclusion and, as the contents of containers are finite, should either not suggest test firings or emphasize that test firings should be very brief.

The items discussed above and the 15-20-year-old studies of Carrie Hunt, Charles Jonkel, and others indicate that Capsaicin-based bear repellents have some value in deterring bear attacks. The concentration of active ingredient, amount of product in a container, spray pattern, and conditions under which the product is used might affect the outcome. Controlled efficacy tests with each formulation and type of container would be the best way to isolate variables, but such tests are difficult to orchestrate. However, decades of illegal U.S. use and perhaps legal Canadian use have led to the creation of a significant anecdotal use history. Earlier this year, I felt that there were reasons to believe that products in the 10-20% OC range would repel attacking or curious bears in many situations. Claims that components of OC attract bears should not be ignored for the long term, but it is not clear to me that the information we have about them is sufficiently well documented to fully reverse our position. I feel that Smith's proposed research to isolate variables under field conditions, if conducted, could change things.

Although Guardian has submitted no efficacy data for its product, I have no reason to believe that it would not be

at least as effective as the nominally 10% OC sprays used in the case studies which Herrero and Higgins (1998) summarize. As that information was used as some or all of the support for registering other bear repellents, I am not persuaded that specific efficacy tests of BearGuard~~®~~ are needed for conditional registration. It would be better if we had efficacy data on the specific formulation, however, and should make supplying such data a condition of registration.

Guardian's submission of 12/15/98 also includes some human toxicity reports including one for primary skin irritation and one for primary eye irritation. These reports are attributed to George E. Moore of Product Safety Labs, New Brunswick, NJ.

These reports describe the product as a "Dark red liquid" (which the spray-pattern video confirms). Claimed to be 25% OC (and "2% MC"), the test formulation was reported to be "severely irritating" to eyes, producing corneal opacity in all 6 rabbits (still evident in one subject 17 days later), iritis in 4 animals (gone at 72 hours post administration), and conjunctivitis in all 6 (still evident in one subject 10 days later). The same test substance was reported to be "slightly irritating to the skin". In 2 of 6 rabbits, "very slight erythema" was reported 1 hour after treatment; but this effect was gone when the animals were next checked, 24 hours after treatment.

The proposed label submitted on 12/15/98 includes text that I have indicated should be on labels for other OC bear repellents. However, the "DIRECTIONS FOR USE:" section is organized incredibly poorly. Instead of following the standard format of placing the "USE RESTRICTIONS:" directly after the "It is a violation" statement, Guardian has placed the "USE RESTRICTIONS:" on a completely different panel to which readers are referred by the words "Directions for Use" continued next column". This arrangement has one column telling users how "TO ARM AND APPLY:" the product while information regarding range of the product, the number of seconds it takes to empty a can, warnings about the problems that prophylactic treatment of campsite objects could create and other use limitations is parked in an out-of-the-way location. This situation must be fixed.

202.0 CONCLUSIONS

1. The spray pattern report is acceptable. It was assigned the MRID Number 447173-02. The videotape that

you provided was very helpful in our assessment of the study and enabled us to correct a mistake where the height and width measurements were recorded in error.

2. You have not submitted any efficacy data on your product. We can conditionally register this product based upon its apparent similarity to other nominally 10% Oleoresin of Capsicum (OC) aerosols which, perhaps along with your product, supplied the data summarized in the recently published report by Herrero and Higgins (1998, Ursus, 10, 533-537). Ultimately, you must supply data which show that your specific product effectively deters attacks by bears.

We also are aware of a report by Smith (1998, Wilson Society Bulletin, 26:1, 92-94) which indicates that surfaces treated with OC sprays are highly attractive to brown bears. These data and anecdotal reports consistent with Smith's findings have led us to conclude that it is imperative that labels for OC bear repellents include stern prohibitions and warnings regarding prophylactic applications of such products.

- Label
3. As this product is regulated by EPA, delete the words "CONSUMER PRODUCT SAFETY COMMISSION WARNING SECTION" from the center panel of the label. Move the signal word and other precautionary statements below the statement of ingredients. Place the "DO NOT SEEK ENCOUNTERS . . . ENCOUNTERED" text immediately below the name of the product. The sentence "SEE SIDE PANELS FOR ADDITIONAL PRECAUTIONARY STATEMENTS" should appear below "KEEP OUT OF REACH OF CHILDREN". If this change is made, you will not have to also use "CAREFULLY READ ADDITIONAL CAUTIONS ON SIDE PANELS".
 4. Reorganize, reformat, and modify the "DIRECTIONS FOR USE" section to appear and read as indicated below.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do

not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears and may attract them in some cases. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up 30 feet (9 meters). This canister empties completely in approximately 3.4 seconds [180-g] 4 seconds [225-g container] 5.4 seconds [260-g container].

APPLICATION DIRECTIONS: Special procedures must be followed to arm the container, apply the product, and restore the safety clip and disarm the container. Before taking product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire BearGuard® in an area where you plan to camp, hike, hunt, or fish. Do not test-fire for more than half a second. After test firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a Guardian training can and practice with it until you can perform, quickly and accurately, the activities described below.

To Arm and Apply: Place forefinger through loop in handle with thumb on curl of safety clip (fig. 1). With thumb, pull safety clip up and straight back. This will expose trigger lever. Depress trigger lever with thumb, releasing a 1-second burst of spray (fig. 2). This should be done when the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through

the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face into the wind.

Insert Figs. 1-3 Approximately Here
or Beside Preceding and Following Text

To Disarm: Replace orange safety clip as illustrated (fig. 3.)

It is very important that the format shown above be used. If necessary to fit the text onto one label panel, you may make the right panel of the label somewhat wider than the left.

William W. Jacobs
Biologist
Insecticide-Rodenticide Branch
January 25, 1999

DP BARCODE: D251854

CASE: 064255
SUBMISSION: S553744

DATA PACKAGE RECORD
BEAN SHEET

DATE: 12/29/98
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 152 PROP TEST PROT-NEW BIOL
RANKING : 5 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 2.0200%
ID#: 071920-R BearGuard Bear Deterrent
COMPANY: 071920 GUARDIAN PERSONAL SECURITY PRODUCTS, INC.
PRODUCT MANAGER: 04 TINA LEVINE 703-308-7055 ROOM: CM2 219
PM TEAM REVIEWER: GRACE ROBIOU 703-305-1016 ROOM: CM2 203
RECEIVED DATE: 12/16/98 DUE OUT DATE: 05/15/99

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 251854 EXPEDITE: Y DATE SENT: 12/29/98 DATE RET.: / /
CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)
DP TYPE: 001

	CSF: N		LABEL: Y	
ASSIGNED TO	DATE	IN	DATE	OUT
DIV : RD	/	/	/	/
BRAN: TRB	/	/	/	/
SECT: TOX	/	/	/	/
REVR :	/	/	/	/
CONTR:	/	/	/	/

ADMIN DUE DATE: 04/13/99
NEGOT DATE: / /
PROJ DATE: / /

* * * DATA REVIEW INSTRUCTIONS * * *

EXPEDITE: AGENCY HAS COMMITTED TO REVIEWING BEAR DETERRENT
PRODUCTS WITHIN 60 DAYS

Toxicologist--

Please review MRID 44717303 and -04 for BearGuard.

Thank you so much.
Grace Robiou
305-1016
CM2 203

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL
251852	IRB/PM04	12/29/98	04/13/99	Y	Y	Y
251853	TRB/CHEM	12/29/98	04/13/99	Y	Y	Y

DP BARCODE: D251852

CASE: 064255
SUBMISSION: S553744

DATA PACKAGE RECORD
BEAN SHEET

DATE: 12/29/98
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 152 PROP TEST PROT-NEW BIOL
RANKING : 5 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 2.0200%

ID#: 071920-R BearGuard Bear Deterrent

COMPANY: 071920 GUARDIAN PERSONAL SECURITY PRODUCTS, INC.

PRODUCT MANAGER: 04 TINA LEVINE 703-308-7055 ROOM: CM2 219

PM TEAM REVIEWER: GRACE ROBIOU 703-305-1016 ROOM: CM2 203

RECEIVED DATE: 12/16/98 DUE OUT DATE: 05/15/99

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 251852 EXPEDITE: Y DATE SENT: 12/29/98 DATE RET.: / /

CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)

DP TYPE: 001

CSF: Y

LABEL: Y

ASSIGNED TO	DATE	IN	DATE	OUT	ADMIN DUE DATE: 04/13/99
DIV : RD	/	/	/	/	NEGOT DATE: / /
BRAN: IRB	/	/	/	/	PROJ DATE: / /
SECT: PM04					
REVR : <i>img</i>	12/16/98		1/25/99	RL	
CONTR:	/	/	/	/	

* * * DATA REVIEW INSTRUCTIONS * * *

EXPEDITE EXPEDITE EXPEDITE EXPEDITE

Bill-

Spray pattern study for BearGuard Bear Deterrent (MRID44717302). Two pending products are supporting their expedited registration on this data:

71920-R and and subregistrant 72007-?

Thank you.
Grace

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL
-------	----------------	----------	----------	-----	-----	-------

DP BARCODE: D251853

CASE: 064255
SUBMISSION: S553744

DATA PACKAGE RECORD
BEAN SHEET

DATE: 12/29/98
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 152 PROP TEST PROT-NEW BIOL
RANKING : 5 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 2.0200%

ID#: 071920-R BearGuard Bear Deterrent
COMPANY: 071920 GUARDIAN PERSONAL SECURITY PRODUCTS, INC.
PRODUCT MANAGER: 04 TINA LEVINE 703-308-7055 ROOM: CM2 219
PM TEAM REVIEWER: GRACE ROBIOU 703-305-1016 ROOM: CM2 203
RECEIVED DATE: 12/16/98 DUE OUT DATE: 05/15/99

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 251853 EXPEDITE: Y DATE SENT: 12/29/98 DATE RET.: / /
CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)
DP TYPE: 001

	CSF: Y		LABEL: Y	
ASSIGNED TO	DATE	IN	DATE	OUT
DIV : RD	/	/	/	/
BRAN: TRB	/	/	/	/
SECT: CHEM	/	/	/	/
REVR :	/	/	/	/
CONTR:	/	/	/	/

ADMIN DUE DATE:	04/13/99
NEGOT DATE:	/ /
PROJ DATE:	/ /

* * * DATA REVIEW INSTRUCTIONS * * *

EXPEDITE: AGENCY HAS COMMITTED TO REVIEWING BEAR DETERRENT
PRODUCTS WITHIN 60 DAYS

Chemist:

Please review Product Chemistry Data (MRID 44717301) for
BearGuard.

Thank you so much.
Grace Robiou
305-1016
CM2 203

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL
251852	IRB/PM04	12/29/98	04/13/99	Y	Y	Y

January 27, 1999

MEMORANDUM

SUBJECT: Request to Expedite Review of Product Chemistry [S-553744, D251853]
and Acute Toxicity [S553744, D251854] Reviews
Guardian Personal Security Products, Inc. BearGuard Bear Deterrent
EPA File Symbol 71920-R

Submitted to Technical Support Branch on 12/29/98
by PM Team 14

-----DECISION MEMORANDUM-----

FROM: Tina Levine, Chief
Insecticide-Rodenticide Branch

Tina E. Levine

TO: Deborah McCall, Chief
Technical Review Branch

This memorandum requests an expedite of the review of the subject application. I have checked the applicable boxes that identify the reviews that I would like to have done on an expedited basis.

 X Product Chemistry Review

 X Precautionary Labeling Review

We would appreciate receiving these reviews no later than:

February 20, 1999

Reasons for Expedite:

We are requesting this expedite because, since 1993, the Agency has committed itself to expediting the applications of bear deterrents containing Capsaicin in an effort bring this segment of the market into the community of regulated products, as required under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). In May 1998, the Registration Division (RD) finally registered its first Capsaicin bear deterrent product (Counter Assault), which triggered a

concerted efforts by other sellers of unregistered products to develop data for registration. Guard Alaska Bear Repellent followed suit on December 22, 1998. This application is a direct result of the initial registration of Counter Assault.

We appreciate your efforts in supporting this policy of expedited reviews because it is helping to solve a long-standing problem.

If you or the reviewer has questions about either product, please contact Mr. Dan Peacock at 305-5407, or Ms. Grace Robiou at 305-1016.

CONCUR: 

DO NOT CONCUR: _____

DATE: 1/27

DP BARCODE: D251854

8556

CASE: 064255
SUBMISSION: S553744

DATA PACKAGE RECORD
BEAN SHEET

DATE: 12/29/98
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 152 PROP TEST PROT-NEW BIOL
RANKING : 5 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 2.0200%

ID#: 071920-R BearGuard Bear Deterrent

COMPANY: 071920 GUARDIAN PERSONAL SECURITY PRODUCTS, INC.

PRODUCT MANAGER: 04 TINA LEVINE 703-308-7055 ROOM: CM2 219

PM TEAM REVIEWER: GRACE ROBIOU 703-305-1016 ROOM: CM2 203

RECEIVED DATE: 12/16/98 DUE OUT DATE: 05/15/99

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 251854 EXPEDITE: Y DATE SENT: 12/29/98 DATE RET.: / /
CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)
DP TYPE: 001

CSF: N

LABEL: Y

ASSIGNED TO	DATE	IN	DATE	OUT	ADMIN DUE DATE: 04/13/99
DIV : RD	/	/	/	/	NEGOT DATE: 3/30/99
BRAN: TRB	/	/	/	/	PROJ DATE: / /
SECT: TOX	/	/	/	/	
REVR :	/	/	/	/	
CONTR:	/	/	/	/	

* * * DATA REVIEW INSTRUCTIONS * * *

EXPEDITE: AGENCY HAS COMMITTED TO REVIEWING BEAR DETERRENT
PRODUCTS WITHIN 60 DAYS

Toxicologist--

Please review MRID 44717303 and -04 for BearGuard.

Thank you so much.
Grace Robiou
305-1016
CM2 203

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL
251852	IRB/PM04	12/29/98	04/13/99	Y	Y	Y
251853	TRB/CHEM	12/29/98	04/13/99	Y	Y	Y

Not in Label Review
Not on G drive

12/16/98 Bear Guard™ Watched it again on 11/18/99, 1/24/99
Tool Run 12/16/98 - Guardian Security - 2% - Had orange dye
- Shady Range in AZ
5' Shaded target for look like a
wind 1.2-1.7 mph - Cross wind
1.2-2.3 mph Central 1' high + about 10' wide
At 5' - Height 42" Cluster marks 1' high

39" wide
10' wind 0-0.8 mph - 80°F
Same con
80" wide - most in 20" wide spot called 3'
high spot 30" high
Called it ~~24~~ 3' 3 foot by 3 foot

15 ft - wind 1.1 mph 86°F
Pattern was lower + more diffuse
said correct { Vertical 42" for center } said it backwards
width 48" + it was recorded that way

Small dots all over target

20' wind 2.0 mph head tail wind 86°, was
sprayed small seeds -

Diffuse Pattern - covers whole target

Majority is 67" wide, 54" high

25' wind 1-2 mph (1.2 is what they took) 80°

Sprayed several seeds - it Atomized
thru it too much wind

Repeated with no wind

Walked into cloud + coughed - with expletive

Very diffuse pattern - 73" wide + 67" high

Days more wide than high due to wind

30' - 2.5-3 mph wind At shooter's back - should
improve results - waited for stuff to clear

Extremely diffuse pattern -

Called it 91" wide and 64" high

Used overlapping paper - shows striping pattern

35' - 3.3 mph - mainly tail wind - could see wind move the spray

Repeated - spray went left didn't improve

Formulations amendments. These efforts are an extension of the 1996 harmonized OPPTS Test Guidelines, Series 830, Product Properties, and the NAFTA harmonization of several regulatory and scientific issues in product chemistry. (Sami Malak, 703-308-9365)

<WK102698>

One time-limited tolerance - thiabendazole for lentils - was extended to April 30, 2000. (Andrea Beard, 703-308-9356)

Section 18 Issued for Use of Imidacloprid in Florida this Week. Florida was granted an exemption for the use of imidacloprid to control silverleaf whitefly on legumes this week. The associated tolerance is in preparation for a mid-December harvest. (Andrea Beard, 703-308-9356)

First Meeting of OPP's Public Health Pesticides Workgroup Held – Goals Mapped Out by PHP-Coordinator. The first meeting of OPP's newly formed workgroup tasked with the public health pesticides initiative was held on Friday, November 6th. During this meeting, workgroup members were able to meet each other and learn from Arnold Layne, OPP's Public Health Pesticides Coordinator, the charge for the group. The workgroup discussed its goals and particular work products they plan to achieve, as well as stakeholder involvement and communications and outreach efforts. One of the first work products that will be produced by the group will be a Memorandum of Understanding between EPA and HHS, together with an Operational Plan. Regular updates will be forthcoming as progress is made with regard to this effort. (Linda Murray, 703-305-5401)

Quinclorac Registered for Use on Turf. The Herbicide Branch registered quinclorac (Drive Herbicide) for use on residential and non-residential turf by professional lawn care technicians on November 9th. Region 6 has expressed concern about the registration of quinclorac for use on turf because of alleged tomato damage from applications of quinclorac (Facet) on rice. Arkansas and Texas have claimed that commercial tomato growers are losing their crops in fields that are miles from the nearest applications of Facet on rice. RD staff went to Arkansas in September 1998 to meet with State and Regional officials and growers to better understand this issue. The data available for quinclorac has been reviewed and EPA has been unable to find any data that would lead the Agency to expect such damage to tomatoes. As a condition of the registration for the turf use, the registrant, BASF, has agreed to contract with an independent laboratory to analyze (at BASF's expense) 2,000 samples submitted by persons investigating incidents involving applications of quinclorac to rice or turf. BASF has also added a warning to the label of the turf product concerning the sensitivity of crops in the family Solanaceae to quinclorac. (Jim Tompkins, 703-305-5697)

FAO/UN Representative Met with RD's Technical Review Branch Concerning Harmonization of Product Chemistry Definitions for Pesticide Products. Deborah McCall and Sami Malak of the Technical Review Branch met with Dr. Gero Vaagt of the Food And Agriculture Organization of the United Nations (FAO/UN, Rome). The purpose was to discuss FAO's definition for identical and substantially similar pesticide products in comparison with EPA's guidelines. Discussion surrounded a draft PR notice that when finalized, would upgrade the EPA definitions for identical and substantially similar pesticide products for "Me-Too" applications and Alternate

12/16/98

Bear Guard™ Test

Spray duration - evacuating a container

Shook on electronic timer - to hundredths

Trial 3.38 sec to slow pressure - not empty 180g unit

4.04 sec under 255g unit

First to 260g unit

Not shaking - just

- turned off sprayer when he took mouth &

5.37

260g unit

- not completely empty on push

Said "5.47" when he wrote it down

Got about 14 good bursts from a can, - Bursts were

generally < 1 sec - or so it seemed

Carl Shobbs

- 1-800-527-4434

Says a 30' claim "they can easily make"

Had stopwatch in
left hand &
spray unit in
right.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not spray this product on objects, tents, or humans; such use has no deterrent effect on bears. Do not seek out encounters with bears or intentionally provoke them. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. This product has a range of up to 30 feet (9 meters). This canister empties in approximately 3.4 seconds [for 180g container size]. Or 4 seconds [for 225g container size]. Or 5.5 seconds [for 260g container size].

Disclaimer: Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: May cause substantial but temporary eye injury if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Strongly irritating to nose and skin. Avoid contact with eyes, skin, or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID- IF IN EYES: Hold eyelids open and flush with steady, gentle stream of cool clean water for 15 minutes. Get medical attention.

PHYSICAL OR CHEMICAL HAZARDS: While this product is non-flammable, contents are under pressure. Keep away from fire, sparks and heated surfaces. Do not puncture or incinerate container. Exposure to temperatures above 120 F may cause bursting.

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN. Do not store in places where the temperature is above 120 F or below 32F. **DISPOSAL:** When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash. DO NOT INCINERATE OR PUNCTURE

GUARDIAN
PRODUCTS

Phoenix, AZ 85027 1-800-527-4434

BearGuard™

CONSUMER PRODUCT SAFETY COMMISSION WARNING SECTION:

DANGER:

SEVERE IRRITANT

CONTENTS UNDER PRESSURE

CAREFULLY READ ADDITIONAL CAUTIONS ON SIDE PANELS

KEEP OUT OF REACH OF CHILDREN

DANGER

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED. SEE SIDE PANELS FOR ADDITIONAL PRECAUTIONARY STATEMENTS.

Active Ingredient:	2.02%
Capsaicin and related capsaicinoids (in oleoresin of capsicum)*	
Inert ingredients	97.98%
TOTAL	100%

*Equivalent to approximately 10% of 3,000,000 Scoville Heat Unit Oleoresin Capsicum

Manufactured by:
Guardian Personal Security Products, LLC
21639 N. 14th Ave.
Phoenix, AZ 85027
1-800-527-4434 (602) 582-1070
CHEMICAL EMERGENCY: 1-800-493-9300

EPA Registration 71920-R EPA Est. No:XXXXXX-XX-XXX

NET CONTENTS: 225g.

DIRECTIONS FOR USE: It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Application Directions: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions below and familiarize yourself with these procedures. If you test-fire this container, make sure that you are away from people, the wind is at your back and you depress the trigger lever for no more than a one-half second burst. Do not test-fire in areas inhabited by bears or where you plan to camp. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before you should obtain a Guardian training can and practice with it until you can perform these activities quickly and accurately.

TO ARM AND APPLY:

Designed for one-hand operation. Place forefinger through loop in handle with thumb on safety clip curl. With thumb, pull safety clip up and straight back. This will expose the trigger lever (Fig. 1). Depress trigger lever with thumb releasing a 1-2 second burst of spray (Fig. 2). This should be done as the attacking animal is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. You may have to wait until the animal is quite close before spraying. If the animal makes it through the initial burst of spray continue spraying, aiming for the face.

TO DISARM:

Replace orange clip as illustrated (Fig. 3).

Fig. 1



Fig. 2



Fig. 3



"Directions for Use" continued next column



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
401 M Street, S.W.
WASHINGTON, D.C. 20460

Formed
Rec'd
2/25/99
Form Approved OMB No. 2070-0060

Paperwork Reduction Act Notice: The public reporting burden for this collection of information is estimated to average 1.25 hours per response for registration and 0.25 hours per response for reregistration and special review activities, including time for reading the instructions and completing the necessary forms. Send comments regarding burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to: Director, OPPE Information Management Division (2137), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.
Do not send the completed form to this address.

Certification with Respect to Citation of Data

Applicant's/Registrant's Name, Address, and Telephone Number Guardian Personal Security Products, 21639 North 14th Avenue, Phoenix, AZ 85027 (602) 582-1070	EPA Registration Number/File Symbol 71920-R
Active Ingredient(s) and/or representative test compound(s) Capsaicin and related capsaicinoids (in Oleoresin of Capsicum)	Date December 15, 1998
General Use Pattern(s) (list all those claimed for this product using 40 CFR Part 158) Animal Repellent	Product Name BearGuard Bear Deterrent

NOTE: If your product is a 100% repackaging of another purchased EPA-registered product labeled for all the same uses on your label, you do not need to submit this form. You must submit the Formulator's Exemption Statement (EPA Form 8570-27).

☒ I am responding to a Data-Call-In Notice, and have included with this form a list of companies sent offers of compensation (the Data Matrix form should be used for this purpose).

SECTION I: METHOD OF DATA SUPPORT (Check one method only)

<input type="checkbox"/> I am using the cite-all method of support, and have included with this form a list of companies sent offers of compensation (the Data Matrix form should be used for this purpose).	<input checked="" type="checkbox"/> I am using the selective method of support (or cite-all option under the selective method), and have included with this form a completed list of data requirements (the Data Matrix form must be used).
--	---

SECTION II: GENERAL OFFER TO PAY

[Required if using the cite-all method or when using the cite-all option under the selective method to satisfy one or more data requirements]

☐ I hereby offer and agree to pay compensation, to other persons, with regard to the approval of this application, to the extent required by FIFRA.

SECTION III: CERTIFICATION

I certify that this application for registration, this form for reregistration, or this Data-Call-In response is supported by all data submitted or cited in the application for registration, the form for reregistration, or the Data-Call-In response. In addition, if the cite-all option or cite-all option under the selective method is indicated in Section I, this application is supported by all data in the Agency's files that (1) concern the properties or effects of this product or an identical or substantially similar product, or one or more of the ingredients in this product; and (2) is a type of data that would be required to be submitted under the data requirements in effect on the date of approval of this application if the application sought the initial registration of a product of identical or similar composition and uses.

I certify that for each exclusive use study cited in support of this registration or reregistration, that I am the original data submitter or that I have obtained the written permission of the original data submitter to cite that study.

I certify that for each study cited in support of this registration or reregistration that is not an exclusive use study, either: (a) I am the original data submitter; (b) I have obtained the permission of the original data submitter to use the study in support of this application; (c) all periods of eligibility for compensation have expired for the study; (d) the study is in the public literature; or (e) I have notified in writing the company that submitted the study and have offered (i) to pay compensation to the extent required by sections 3(c)(1)(F) and/or 3(c)(2)(B) of FIFRA; and (ii) to commence negotiations to determine the amount and terms of compensation, if any, to be paid for the use of the study.

I certify that in all instances where an offer of compensation is required, copies of all offers to pay compensation and evidence of their delivery in accordance with sections 3(c)(1)(F) and/or 3(c)(2)(B) of FIFRA are available and will be submitted to the Agency upon request. Should I fail to produce such evidence to the Agency upon request, I understand that the Agency may initiate action to deny, cancel or suspend the registration of my product in conformity with FIFRA.

I certify that the statements I have made on this form and all attachments to it are true, accurate, and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

Signature 	Date Dec. 15, 1998	Typed or Printed Name and Title Amy Plato Roberts, Regulatory Consultant
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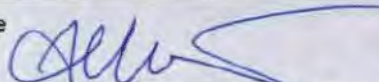


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DATA MATRIX

Date December 15, 1998		EPA Reg No./File Symbol 71920-R		Page 1 of 2	
Applicant's/Registrant's Name & Address Guardian Personal Security Products, 21639 North 14th Avenue, Phoenix, AZ 85027		Product BearGuard Bear Deterrent			
Ingredient Capsaicin and related capsaicinoids (in Oleoresin of Capsicum)					
Guideline Reference Number	Guideline Study Name	MRID Number	Submitter	Status	Note
OPPTS 830.1550	Product Identity and Composition	447173-01	Guardian Personal Security Products	OWN	
OPPTS 830.1600	Description of Materials Used to Manufacture the Product		Guardian Personal Security Products	OWN	
OPPTS 830.1650	Description of the Formulation Process		Guardian Personal Security Products	OWN	
OPPTS 830.1670	Description of the Formation of Impurities		Guardian Personal Security Products	OWN	
OPPTS 830.1700	Preliminary Analysis		Guardian Personal Security Products	OWN	
OPPTS 830.1750	Certified Limits		Guardian Personal Security Products	OWN	
OPPTS 830.1800	Enforcement Analytical Method		Guardian Personal Security Products	OWN	
OPPTS 830.1900	Submittal of Samples		Guardian Personal Security Products	OWN	
OPPTS 830.6303	Physical State		Guardian Personal Security Products	OWN	
OPPTS 830.6314	Oxidizing / Reducing Action		Guardian Personal Security Products	OWN	
OPPTS 830.6315	Flammability		Guardian Personal Security Products	OWN	
OPPTS 830.6316	Explosibility		Guardian Personal Security Products	OWN	
OPPTS 830.6317	Storage Stability		Guardian Personal Security Products	OWN	
OPPTS 830.6319	Miscibility		Guardian Personal Security Products	OWN	
OPPTS 830.6320	Corrosion Characteristics		Guardian Personal Security Products	OWN	
Signature 			Name and Title Amy Plato Roberts, Regulatory Consultant		Date Dec. 15, 1998



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Ingredient Capsaicin and related capsaicinoids (in Oleoresin of Capsicum)					
Guideline Reference Number	Guideline Study Name	MRID Number	Submitter	Status	Note
OPPTS 830.6321	Dielectric Breakdown Voltage		Guardian Personal Security Products	OWN	
OPPTS 830.7000	pH		Guardian Personal Security Products	OWN	
OPPTS 830.7100	Viscosity		Guardian Personal Security Products	OWN	
OPPTS 830.7300	Bulk Density		Guardian Personal Security Products	OWN	
OPPTS 870.1100	Acute Oral Toxicity				NA/CapsaicinRED
OPPTS 870.1200	Acute Dermal Toxicity				NA/CapsaicinRED
OPPTS 870.1300	Acute Inhalation Toxicity				NA/CapsaicinRED
OPPTS 870.2400	Primary Eye Irritation	447173-03	Guardian Personal Security Products	OWN	
OPPTS 870.2500	Primary Dermal Irritation	447173-04	Guardian Personal Security Products	OWN	
OPPTS 870.2600	Dermal Sensitization				NA/CapsaicinRED
EPA 96-17	Product Performance	427676-06	unknown	OLD	
		00145063	unknown	OLD	
		254706, 250625	unknown	OLD	
Signature	Name and Title Amy Plato Roberts, Regulatory Consultant			Date Dec. 15, 1998	

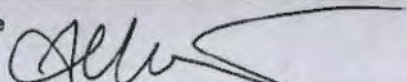


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Guideline Reference Number	Guideline Study Name	MRID Number	Submitter	Status	Note
			Guardian Personal Security Products	OWN	
			Guardian Personal Security Products	OWN	
			Guardian Personal Security Products	OWN	
			Guardian Personal Security Products	OWN	
			Guardian Personal Security Products	OWN	
			Guardian Personal Security Products	OWN	
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			Guardian Personal Security Products	OWN	
			Guardian Personal Security Products	OWN	
			Guardian Personal Security Products	OWN	
			Guardian Personal Security Products	OWN	
Signature 			Name and Title Amy Plato Roberts, Regulatory Consultant		Date Dec. 15, 1998

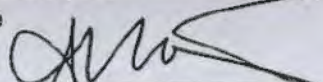


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Guideline Reference Number	Guideline Study Name	MRID Number	Submitter	Status	Note
			Guardian Personal Security Products	OWN	
			Guardian Personal Security Products	OWN	
			Guardian Personal Security Products	OWN	
			Guardian Personal Security Products	OWN	
					NA/CapsaicinRED
					NA/CapsaicinRED
					NA/CapsaicinRED
			Guardian Personal Security Products	OWN	
			Guardian Personal Security Products	OWN	
					NA/CapsaicinRED
			unknown	OLD	
			unknown	OLD	
unknown	OLD				
Signature 			Name and Title Amy Plato Roberts, Regulatory Consultant		Date Dec. 15, 1998

DEC 23 1998

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs

GUARDIAN PERSONAL SECURITY PRODUCTS
21639 N. 14TH AVE.
PHEONIX, AZ 85027

Report of Analysis for Compliance with PR Notice 86-5

Thank you for your transmittal of 12/15/98. Our staff has completed a preliminary analysis of the material. The results are provided as follows:

Your submittal was found to be in full compliance with the standards for submission of data contained in PR Notice 86-5. A copy of your bibliography is enclosed, annotated with Master Record ID's (MRIDs) assigned to each document submitted. Please use these numbers in all future references to these documents. Thank you for your cooperation. If you have any questions concerning this data submission, please raise them with the cognizant Product Manager, to whom the data have been released.

5553944



447173-00

WASHINGTON

1101 17th Street, N.W.
Suite 500
Washington, D.C. 20036
Telephone 202 223-4392
Fax 202 872-0745

Dan Peacock
Insecticide-Rodenticide Branch
Registration Division (7504C)
Office of Pesticide Programs, EPA
1921 Jefferson Davis Highway
Arlington, VA 22202

December 15, 1998

RE: **BearGuard™ Bear Deterrent**
Application for Registration

SAN FRANCISCO

2700 Steuart Street Tower
One Market
San Francisco, CA 94105
Telephone 415 267-4119
Fax 415 267-4198

Dear Mr. Peacock:

Technology Sciences Group, on behalf of Guardian Personal Security Products, submits the enclosed application for registration of **BearGuard™ Bear Deterrent**, an aerosol spray designed to deter bears from attacking humans. Enclosed you will find the following in support of this application:

- 1) Application form (*OPP Identifier Number 254136*);
- 2) Confidential Statement of Formula;
- 3) Certification with Respect to Citation of Data form;
- 4) Data Matrix Table;
- 5) Five (5) copies of the product label;
- 6) One (1) copy of a video version of a spray pattern test (to be hand-delivered only);
- 7) Volume 1 of 5 - Transmittal Document;
- 8) Volume 2 of 5 - Product Chemistry of BearGuard™ Bear Deterrent;
- 9) Volume 3 of 5 - Spray Pattern Study for BearGuard™ Bear Deterrent;
- 10) Volume 4 of 5 - Primary Eye Irritation of 2% MC Bear Spray;
- 11) Volume 5 of 5 - Primary Dermal Irritation of 2% MC Bear Spray.

SACRAMENTO

712 Fifth Street
Suite A
Davis, CA 95616
Telephone 530 757-1298
Fax 530 757-1299

The active ingredient in **BearGuard™** is capsaicin and the product is similar to other bear repellent products currently under EPA review or already registered. The information enclosed in this application is in accordance with the Agency's previously released guidance document on bear deterrent products, with the following deviation:



WASHINGTON

1101 17th Street, N.W.
Suite 500
Washington, D.C. 20036
Telephone 202 223-4392
Fax 202 872-0745

Page 2
December 15, 1998

- As you will note in the proposed product label and Confidential Statement of Formula, the active ingredient is listed as follows:

Active Ingredient:	Capsaicin and related capsaicinoids (in oleoresin of capsicum)*.....2.02%
--------------------	---

*Equivalent to approximately 10% of 3,000,000 Scoville Heat Units Oleoresin Capsicum	
--	--

In previous discussions you requested that the phrase "related capsaicinoids" be included in the active ingredient statement, and indicated that the Scoville Heat Units designation was not necessary for this type of product. Guardian Products includes the Scoville Heat Units designation on all its aerosol spray products (for personal protection, law enforcement use and animal deterrence), due to the fact that it is an accepted designation for capsaicin sprays and is an industry standard of comparison between products. Other currently EPA-registered bear deterrent products maintain the Scoville Heat Units designation in their labeling, as do dog-attack deterrent products. As such, we have elected to retain that wording for consistency with labeling of all Guardian's products and consistency with labeling of other similar registered products.

SAN FRANCISCO

2700 Steuart Street Tower
One Market
San Francisco, CA 94105
Telephone 415 267-4119
Fax 415 267-4198

SACRAMENTO

712 Fifth Street
Suite A
Davis, CA 95616
Telephone 530 757-1298
Fax 530 757-1299

Lastly, per the guidance document and as noted in the Product Chemistry volume of this submission, Guardian commits to conducting a one-year storage stability study, with a concurrent corrosion characteristics study, on its commercial product. The study will begin in early 1999 and the results will be submitted within 15 months of initiation.

Should you have any questions or comments, please do not hesitate to let me know.

Sincerely,

Amy Plato Roberts
Regulatory Consultant for Guardian Personal Security Products
Direct dial (202) 828-8964

VOLUME 1 OF 5 OF SUBMISSION

TRANSMITTAL DOCUMENT

NAME AND ADDRESS OF SUBMITTER:

Guardian Personal Security Products
21639 North 14th Avenue
Phoenix, AZ 85027

REGULATORY ACTION:

Application for Registration of **BearGuard™ Bear Deterrent**

TRANSMITTAL DATE:

December 15, 1998

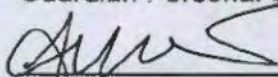
LIST OF SUBMITTED STUDIES:

MRID NUMBER	VOLUME NUMBER	EPA STUDY TITLE	GUIDELINE NUMBER
	1 of 5	(Transmittal Document)	-----
447 17301	2 of 5	Product Chemistry for BearGuard™ Bear Deterrent	OPPTS 830 Series (EPA 151B Series)
447 17302	3 of 5	Spray Pattern Study for BearGuard™ Bear Deterrent	Not applicable
447 17303	4 of 5	Primary Eye Irritation of 2% MC Bear Spray	OPPTS 870.2400 (EPA Guideline 81-4)
447 17304	5 of 5	Primary Dermal Irritation of 2% MC Bear Spray	OPPTS 870.2500 (EPA Guideline 81-5)

COMPANY NAME:

Guardian Personal Security Products

COMPANY OFFICIAL:


Amy Plato Roberts, Regulatory Agent

COMPANY CONTACT:

Amy Plato Roberts, Regulatory Agent
Technology Sciences Group, Inc.
1101 17th Street, N.W.
Washington, DC 20036
(202) 828-8964



United States
Environmental Protection Agency
Washington, DC 20460

☒ Registration
☐ Amendment
☐ Other

OPP Identifier Number
254136

Application for Pesticide - Section I

1. Company/Product Number 71920-R	2. EPA Product Manager <i>DAN PERCOCK</i> <i>Dan Peacock</i>	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) BearGuard Bear Deterrent	PM# Insecticide/Rodenticide Branch	
5. Name and Address of Applicant (Include ZIP Code) Guardian Personal Security Products 21639 North 14th Avenue Phoenix, AZ 85027 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. 55541-2 Product Name Counter Assault Bear Deterrent	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input checked="" type="checkbox"/> Metal	
	If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container		<input type="checkbox"/> Plastic	
Certification must be submitted				<input type="checkbox"/> Glass	
				<input type="checkbox"/> Paper	
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input type="checkbox"/> Label <input checked="" type="checkbox"/> Container		4. Size(s) Retail Container 180g, 225g, 260g		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other _____			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)					
Name Amy Plato Roberts		Title Regulatory Consultant		Telephone No. (Include Area Code) (202) 228-8964	
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment both under applicable law.					6. Date Application Received (Stamped)
2. Signature 		3. Title Regulatory Consultant			
4. Typed Name Amy Plato Roberts		5. Date December 15, 1998			

PAPERWORK REDUCTION ACT NOTICE and INSTRUCTIONS

PAPERWORK REDUCTION ACT NOTICE: Public reporting burden for this collection of information is estimated to average 0.85 hour per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, (2136), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

INSTRUCTIONS: This form is to be used for all applications for new registration, and use reregistration, amendment, resubmission, to applications for notifications, final printed labeling, reregistration, etc. In order to process an application for a new registration submitted on this form, the following material must accompany the application:

1. Certification with Respect to Citation of Data (EPA Form 8570-29). [If not exempted by 40 CFR 152.81 (b) (4)];
2. Confidential Statement of Formula (EPA Form 8570-4);
3. Formulator's Exemption Statement (EPA Form 8570-27);
4. Five copies of draft labeling;
5. Three copies of any data submitted;
6. Authorization letter where applicable;
7. Matrices where applicable.

Submission of Labeling - Labeling should first be submitted in the form of draft labels with all applications for new registration. Such draft labels may be in the form of typed label text on 8.5 x 11 inch paper for submission or a mockup of the proposed label. If prepared for mockup, it should be constructed in a way as to facilitate storage in an 8.5 x 11 inch file. Mockup labels significantly smaller than 8.5 x 11 inches should be mounted on 8.5 x 11 inch paper for submission.

Submission of Data - Data submitted in support of this application must be submitted in accordance with PR Notice 86-5.

SPECIFIC INSTRUCTIONS: Please read the instructions listed below before completing this application. First determine the type of registration action, listed in Block A, for which you are submitting this application. For applications submitted in connection with New Registration actions, Sections I, III, and IV must be completed by the applicant. For applications submitted in connection with amended reregistration actions, resubmissions, notifications, reregistrations, etc., Sections I, II, and IV must be completed by the applicant.

Block A - Check the appropriate action for which you are submitting this form.

SECTION I - This section must be completed, as applicable, for all registration actions.

1. **Company/Product Number** - Insert your Company Number, if one has been assigned by EPA. This number may have been assigned to you as a basic registrant, a distributor, or as an establishment. If your product is registered, insert the Product Number.
2. **EPA Product Manager** - If known, fill in the name and PM number of the EPA Product Manager.
3. **Proposed Classification** - Specify the proposed classification of this product.
4. **Product Name** - Enter the complete product name of this pesticide as it will appear on the label. The name must be specific to this product only. Duplication of names is not permitted among products of the same company. Do not include any brand name or company line designations.
5. **Name and Address of Applicant** - The name of the firm or person and address shown in your application is the person or firm to whom the registration will be issued. If you are acting in behalf of another party, you must submit authorization from that party to act for them in registration matters. An applicant not residing in the United States must have an authorized agent residing in the United States to act for them in all registration matters. The name and complete mailing address of such an agent must accompany this application.
6. **Expedited Review** - FIFRA section 3 (c) 3 (B) provides for expedited review of applications for registration, or amendments to existing registration that are similar or identical to other pesticide products that are currently registered with the EPA. In order for your application to be eligible for expedited review, you must provide us with the EPA Registration Number and product name of the product you believe is similar to or identical to your product. The product must be similar or identical in both formulation and labeled uses.

SECTION II - This section must be completed for all applications submitted to amend the registration only of a currently registered product (Amendment), for a resubmission in response to an Agency letter, for notifications to the Agency, for the submission of final printed labeling, for reregistration and for any other action that pertains to a specific EPA-registered product. This section is not to be used for a new application for registration.

1. **Subject of submission** - Check the applicable block and provide the Agency letter date if appropriate. Provide a brief explanation of the purpose(s) for the submission, such as "the addition of a site, pest or crop (specify)"; "amend the Confidential Statement of Formula by..."; "reregistration submission"; "general label revision of use directions." Attach a separate page if additional space is needed.

SECTION III (Packaging and Container Information) - This Section must be completed for all applications submitted in connection with new registration or applicable amendments.

1. **Type of Packaging** - Check the appropriate block if your product will be packaged in the indicated packaging types. Indicate the size of the individual packets and number per retail container.
2. **Type of Retail Container** - Indicate type of container in which product will be marketed.
3. **Location of Net Contents** - Indicate the location of the net contents information for your product.
4. **Size(s) of Retail Container** - Specify the net contents of all retail containers for your product.
5. **Location of Use Directions** - Indicate the location of the use directions for your product.
6. **Manner in which label is affixed to product** - Indicate the method product label is attached to retail container.

SECTION IV (Comments) - This Section must be completed for all applications for Registration actions, i.e., new products registration, resubmission, "no to" reregistration, etc.

- 1-5. Self-explanatory.
6. EPA Use Only.

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not spray this product on objects, tents, or humans; such use has no deterrent effect on bears. Do not seek out encounters with bears or intentionally provoke them. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. This product has a range of up to 30 feet (9 meters). This canister empties in approximately {3.4 seconds [for 180g container size].} Or {4 seconds [for 225g container size].} Or {5.5 seconds [for 260g container size].}.

Disclaimer: Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

DANGER: May cause substantial but temporary eye injury if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Strongly irritating to nose and skin. Avoid contact with eyes, skin, or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

FIRST AID- IF IN EYES: Hold eyelids open and flush with steady, gentle stream of cool clean water for 15 minutes. Get medical attention.

PHYSICAL OR CHEMICAL HAZARDS: While this product is non-flammable, contents are under pressure. Keep away from fire, sparks and heated surfaces. Do not puncture or incinerate container. Exposure to temperatures above 120 F may cause bursting.

STORAGE & DISPOSAL

STORAGE: STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN. Do not store in places where the temperature is above 120 F or below 32F. **DISPOSAL:** When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash. **DO NOT INCINERATE OR PUNCTURE**

GUARDIAN
PRODUCTS

Phoenix, AZ 85027 1-800-527-4434

BearGuard™

CONSUMER PRODUCT SAFETY COMMISSION WARNING SECTION:

DANGER:

SEVERE IRRITANT

CONTENTS UNDER PRESSURE

CAREFULLY READ ADDITIONAL CAUTIONS ON SIDE PANELS

KEEP OUT OF REACH OF CHILDREN

DANGER

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED. SEE SIDE PANELS FOR ADDITIONAL PRECAUTIONARY STATEMENTS.

Active Ingredient:	2.02%
Capsaicin and related capsaicinoids (in oleoresin of capsicum)*	
Inert ingredients	97.98%
TOTAL	100%
*Equivalent to approximately 10% of 3,000,000 Scoville Heat Unit Oleoresin Capsicum	

Manufactured by:
Guardian Personal Security Products, LLC
21639 N. 14th Ave.
Phoenix, AZ 85027
1-800-527-4434 (602) 582-1070
CHEMICAL EMERGENCY: 1-800-493-9300

EPA Registration 71920-R EPA Est. No:XXXXXX-XX-XXX

NET CONTENTS: 225g.

DIRECTIONS FOR USE: It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

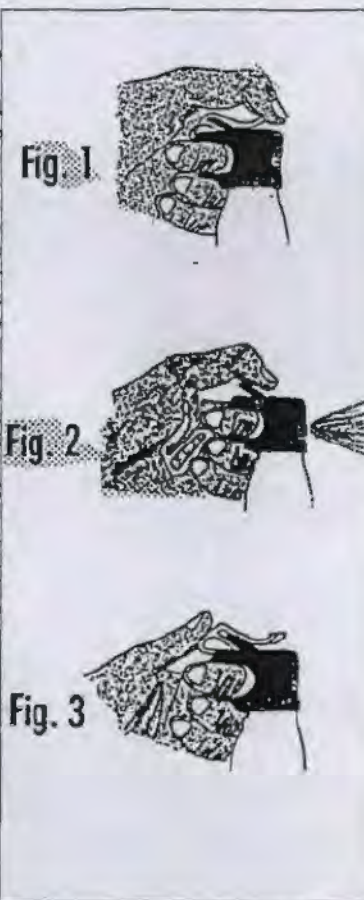
Application Directions: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions below and familiarize yourself with these procedures. If you test-fire this container, make sure that you are away from people, the wind is at your back and you depress the trigger lever for no more than a one-half second burst. Do not test-fire in areas inhabited by bears or where you plan to camp. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before you should obtain a Guardian training can and practice with it until you can perform these activities quickly and accurately.

TO ARM AND APPLY:

Designed for one-hand operation. Place forefinger through loop in handle with thumb on safety clip curl. With thumb, pull safety clip up and straight back. This will expose the trigger lever (Fig. 1). Depress trigger lever with thumb releasing a 1-2 second burst of spray (Fig. 2). This should be done as the attacking animal is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. You may have to wait until the animal is quite close before spraying. If the animal makes it through the initial burst of spray continue spraying, aiming for the face.

TO DISARM:

Replace orange clip as illustrated (Fig. 3).



"Directions for Use" continued next column

USE RESTRICTIONS: This product may be used only to deter bears which are attacking or appear likely to attack humans. Do not spray this product on objects, tents, or humans; such use has no deterrent effect on bears. Do not seek out encounters with bears or intentionally provoke them. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. This product has a range of up to 30 feet (9 meters). This canister empties in approximately {3.4 seconds [for 180g container size].} Or {4 seconds [for 225g container size].} Or {5.5 seconds [for 260g container size].}.

Disclaimer: Guardian Security Products, LLC shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product.

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PHYSICAL OR CHEMICAL HAZARDS: While this product is non-flammable, contents are under pressure. Keep away from fire, sparks and heated surfaces. Do not puncture or incinerate container. Exposure to temperatures above 120 F may cause bursting.

STORAGE & DISPOSAL

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GUARDIAN
PRODUCTS

Phoenix, AZ 85027 1-800-527-4434

BearGuard™

CONSUMER PRODUCT SAFETY COMMISSION WARNING SECTION:

DANGER:

SEVERE IRRITANT

CONTENTS UNDER PRESSURE

CAREFULLY READ ADDITIONAL CAUTIONS ON SIDE PANELS

KEEP OUT OF REACH OF CHILDREN

DANGER

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED. SEE SIDE PANELS FOR ADDITIONAL PRECAUTIONARY STATEMENTS.

Active Ingredient:	2.02%
Capsaicin and related capsaicinoids (in oleoresin of capsicum)*	
Inert Ingredients	97.98%
TOTAL	100%

*Equivalent to approximately 10% of 3,000,000 Scoville Heat Unit Oleoresin Capsicum

Manufactured by:
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1-800-527-4434 (602) 582-1070
CHEMICAL EMERGENCY: 1-800-493-9300

EPA Registration 71920-R EPA Est. No:XXXXXX-XX-XXX

NET CONTENTS: 225g.

DIRECTIONS FOR USE: It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Application Directions: Special procedures must be followed to arm the container, apply the product and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions below and familiarize yourself with these procedures. If you test-fire this container, make sure that you are away from people, the wind is at your back and you depress the trigger lever for no more than a one-half second burst. Do not test-fire in areas inhabited by bears or where you plan to camp. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before you should obtain a Guardian training can and practice with it until you can perform these activities quickly and accurately.

TO ARM AND APPLY:

Designed for one-hand operation. Place forefinger through loop in handle with thumb on safety clip curl. With thumb, pull safety clip up and straight back. This will expose the trigger lever (Fig. 1). Depress trigger lever with thumb releasing a 1-2 second burst of spray (Fig. 2). This should be done as the attacking animal is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. You may have to wait until the animal is quite close before spraying. If the animal makes it through the initial burst of spray, continue spraying, aiming for the face.

TO DISARM:

Replace orange clip as illustrated (Fig. 3).

Fig. 1



Fig. 2



Fig. 3



"Directions for Use" continued next column

FRONT END PROCESSING FORM TO FILE ROOM

DATE

12/17/98

FILE NUMBER

71920 - R

☐ No Data - File Room "Make Ready for _____"
(SM or Individual)

☒ Data - File Room "Assign Jacket to Shelf"

☐ Rejected - File Room "Assign Jacket to Rejected Shelf"

FRONT END PROCESSING APPLICATION INFORMATION CHECK

PM 04

EPA COMPANY NUMBER 71920-R

EPA REGISTRATION NUMBER
STATUS (For Amendments)

Active _____ Cancelled _____

Not in REFS _____

"ME-TOO" CITED PRODUCT STATUS

Active _____ Cancelled _____

Not in REFS _____

PRAT RECORD CREATED yes-12/17/98



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

December 17, 1998

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Guardian Personal Security Products
21639 North 14th Avenue
Phoenix, AZ 85027

PRODUCT NAME: BearGuard Bear Deterrent
COMPANY NAME: Guardian Personal Security Products
OPP IDENTIFICATION NUMBER: 254136
EPA FILE SYMBOL: 71920-R
EPA RECEIPT DATE: 12/15/98

SUBJECT: RECEIPT OF APPLICATION FOR A NEW REGISTRATION

DEAR REGISTRANT:

The Office of Pesticides Programs has received your application for a new registration and it has passed an administrative screen for completeness.

Please note that this is only a notification of receipt of your application. This is only the first step in the application process, and does NOT constitute approval.

If you have any questions, please contact Rodenticide/Insecticide Branch, at (703)-305-5404.

Sincerely,

A handwritten signature in cursive script, appearing to read "David L. Cohen".

Front End Processing Staff
Information Resources & Services Division
Information Services Branch

Z 095 559 034

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Hunter's Specialties	
Street & Number	
LHA Reg. 71920-R	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (*See front*).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*).

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make an inquiry.

410

5-97-3-0145

jacket

5553740

145/88

CERTIFIED MAIL

Hunter's Specialties
6000 Huntington CT NE
Cedar Rapid, Iowa 52402-1268

DEC 3 1998

Attention: Mr. David Mortensen

Subject: Pepper Spray Bear Deterrent
EPA Region 8's November Stop Sale
Your letter of November 13, 1998

According to Region 8's Order, your company needed to take the following two actions within 10 days of receipt to continue selling your existing unregistered product until January 15, 1999:

1. submit an exact copy of your current label and
2. submit a letter stating your intent to register the above product.

In the above letter, you offered to cease selling the product immediately. You indicated that if you were to sell the product again, you would be distributing a product that Guardian Products, Inc. of Phoenix, Arizona would have registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Since you have agreed to cease selling the product, there is no other action needed on your part at this time. Please note that as a distributor of a registered product, your labeling must be identical of that as the basic registrant, Guardian Products. The only exceptions would be 1) product name, 2) company name and address, and 3) registration number.

If you have questions about this letter, you may reach me by phone (703-305-5407, fax (703-305-6596), or E-Mail (peacock.dan@epamail.epa.gov).

Sincerely,

Daniel B. Peacock

Daniel B. Peacock, Biologist
Insecticide-Rodenticide Branch
Registration Division (7504C)

cc 1. EPA Region 8 (Tim Osag)
2. Guardian Personal Security Products, Inc.
c/o Technology Science Group
1101 17th St. NW, Suite 500
Washington, DC 20036
Attention: Ms. Amy Roberts

Peacock:Disk 19:A:\Capsaicin\Hunter's Pepper Spray:703-305-5407:12/01/98

WARNING: Avoid accidental contact with eyes, skin or mucous membranes. Temporarily impairs the vision and causes burning sensation to the skin and mucous membranes. Do not puncture or incinerate can. Exposure to heat or flame or storing above 120°F (50°C) may cause bursting!

Unlawful to take on board aircraft

DO NOT LEAVE IN VEHICLE • KEEP OUT OF REACH OF CHILDREN

IN CASE OF EXTERNAL CONTACT:

FLUSH THOROUGHLY WITH WATER. DO NOT RUB OR APPLY SALVES, OILS OR CREAMS. Symptoms disappear in about 45 minutes. Should symptoms persist, CALL PHYSICIAN IMMEDIATELY.

CONTAINS: 10% OLEORESIN CAPSICUM

2 Million Scoville Heat Units (Approximately 10 Bursts, Maximum Effective Range: 15 Feet)

**NOT INTENDED FOR USE AS A PESTICIDE UNDER
EPA-FIFRA-7 U.S.C. SECTION 136-ET SEQ.**

Net Wt. 250 Grams

WAYNE

Carlton's Calls
AND HUNT'N STUFF, INC.™

PEPPER SPRAY

For Defensive Purposes Only

This product may not be used or possessed by a person under the age of 18!

CAUTION: SEVERE IRRITANT • CONTENTS UNDER PRESSURE

Read carefully additional warnings on back panel

TO ARM:

- Place forefinger through hole in handle, with thumb on orange safety clip curl.
- With thumb, pull safety clip straight back and off.
- Depress actuator tab for burst of spray.

TO DISARM:

- Replace orange safety clip by pushing firmly with thumb.
- Make sure safety is completely in place.

ORDER CODE: WC-16



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ORDER CODE: WC-9



Hunter's Specialties™

"For Sportsmen, by Sportsmen"™

Hunter's Specialties, Inc., 6000 Huntington CT N.E., Cedar Rapids, Iowa 52402-1268

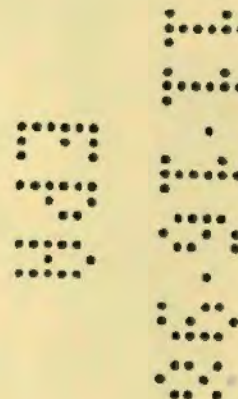
PH. (319) 395-0321
FAX (319) 395-0326



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11-13-98

Mr. Daniel Peacock
Mail Stop 7504C
Registration Division, Insecticide-Rodenticide Branch
U.S. EPA
401 M Street S.W.
Washington, DC 20460



Mr. Peacock:

Responding to the conditional stop sales order on pepper spray issued to Wayne Carlton's Calls and Hunt'n Stuff (Hunter's Specialties is the owner of Wayne Carlton's Calls), please note that Carlton Calls is not the manufacturer of the pepper spray. It is manufactured by Guardian Products, Inc. of Phoenix, AZ. Pursuant to this order, Hunter's Specialties will take the following actions:

1. Wayne Carlton Calls will stop selling pepper spray at once.
2. The manufacturer of the pepper spray, Guardian Products of Phoenix, AZ has indicated to us they are pursuing the registration of this spray with the EPA. At the time that the registration is complete, Carlton Calls will approach Guardian about being a sub-registrant of the spray, and then consider adding the product back into the line.
3. With the possibility of Carlton adding the product back into the line after registration, I am including our labels with this letter for EPA review. We would greatly appreciate your input as to the correctness of these labels.

If there are other actions we should take, please let me know. Thank you for your help.

Sincerely,

David Mortensen
Director of Product Development

